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KERALA GAZETTE

SUPPLEMENTS

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Kerala Gazette No. 40 dated 9th October 1984
PART I

GOVERNMENT OF KERALA

Abstract

KERALA STATE MILITARY BENEVOLENT FUND AND DISTRICT MILITARY BENEVOLENT FUND—RULES FOR THE ADMINISTRATION OF THE FUND—AMENDMEND ISSUED

GENERAL ADMINISTRATION (POLITICAL C) DEPARTMENT

G.O. (MS) 329/84/GAD. *Dated, Trivandrum, 14th September* 1984.

Read:—1. G.O. (MS) No. 197/77/GAD. dated 22-6-1977
2. G O. (MS) No. 286/79/GAD. dated 10-5-1979.
3 G O. (MS) No. 18/82/GAD. dated 21-1-1982.
4. Letters No. SB-8/5521/81 dated 7-4-1982 and SB-8/4721/82 dated 10-1-1983 from the Director, Rajya Sainik Board.
5. Letter No. LF.16995/RIB/83 dated 28-9-1983 from the Examiner of Local Fund Accounts.

ORDER

Government are pleased to issue the following amendments to the Rules for the Administration of the State Military Benevolent Fund and District Military Benevolent Fund issued in the Government Orders read above.

Amendments

State Military Benevolent Fund:

In Appendix I of the said Rules,—

1. Rule 7 (C) (iv) shall be substituted by the following:

"Additional awards of grants may be given after the payment of grant a second time from this fund or from the District Benevolent Fund, to poor and deserving persons in distress, on specific recommendations from the Zila Sainik Welfare Officer specifying the reasons for such exemption, provided the ceiling on total grants payable to an individual is not exceeded".

This amendment will have effect from 4-11-1982.

2. (i) In Rule 10 the figures and words Rs. 1,800 and "two years" shall be substituted by "Rs. 3,600" and "three years".

This amendment will have effect from 17-7-1981,

Disrict Military Benevolent Fund

3. In item 4 of Annexure–A of the Rules for the Administration of District Benevolent Fund the existing table shall be substituted by the following:

"No income		Marks :	20
Income upto Rs.	400	,,	18
,,	800	,,	16
,,	1,200	,,	14
,,	1,600	,,	12
,,	2,000	,,	10
,,	2,400	,,	8
,,	2,800	,,	6
,,	3,200	,,	4
,,	3,600	,,	2

This above amendment will have effect from 25-7-1980.

4. The amendments issued in the G. O. read as third paper above will have effect from 25-7-1980.

By order of the Governor,

JACOB SEBASTIAN,

Deputy Secretary to Government.

To

The Director, Department of Sainik Welfare, Trivandrum.
The Examiner of Local Fund Accounts, Trivandrum.
The Accountant General I, Trivandrum.
The Accountant General II, Trivandrum.
The Finance Department (vide U.O. No. 21196/Ex/B2/84/Fin. dated 15-5-1984).

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 758|84|LBR. *Dated, Trivandrum, 4th June, 1984.*

The award of the State Arbitration Board, Trivandrum in respect of the dispute between Shri M. C. George, 4|401 Gandhi Road, Calicut (2) Sri M. C. Ninan, Vaduvanchal, Meppadi P. O. (3) Smt. Aleyamma Cherian, Manamal, Naduvanthur, Quilandy (4) Dr. T. N. George, Puthen Veedu, Kattapuzha, Thiruvalla (5) Smt. Annu Kurian, Manamal, Naduvathur, Quilandy (6) Sri M. P. Cherian, Manamal, Naduvathur, Quilandy and their workmen represented by Sri A. Sankaran, General Secretary, National Estate Employees Union (INTUC), Y. M. C. A. Road, Calicut (2) Sri K. M. Narayanan, Secretary, Kurumbranad Taluk Estate Workers Union (CITU), Keezhariyoor P. O. received by Government on 22-5-1984 is hereby published under Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

A. S. MONI ACHARI,
Deputy Secretary to Government.

BEFORE THE STATE ARBITRATION BOARD, TRIVANDRUM

Present

Sri P. J. Cherian, *Chairman.*
„ R. Prakasam, *Member.*
„ K. Kasi Viswanathan, *Member.*

ARBITRATION CASE No. 1 OF 1982

Between

1. Sri M. C. George, 4|401 Gandhi Road, Calicut.
2. Sri M. C. Ninan, Vaduvanchal, Meppadi, P. O.
3. Smt. Aleyamma Cherian, Manamal, Naduvathur, Quilandy.

4. Dr. T. N. George, Puthen Veedu, Kattapuzha, Thiruvalla.
5. Smt. Annu Kurian, Manamal, Naduvathur, Quilandy.
6. Sri M. P. Cherian, Manamal, Naduvathur, Quilandy.

And

1. Sri A. Sankaran, General Secretary, National Estate Employees' Union (INTUC), Y. M. C. A. Road, Calicut.

2. Sri K. M. Narayanan, Secretary, Kurumbranad Taluk Estate Workers' Union (CITU), Keezhariyoor, P. O.

Employers 3 to 6 represented by Sri V. Sridharan Nair, Advocate, Calicut.

Unions represented by Sri A. Sankaran, Advocate, Calicut.

AWARD

1. This reference has been made by the Government under S. 10A of the Industrial Disputes Act for arbitration of the industrial dispute between the management of the Meerode and Podiyadi estates and their workmen as per notification No. 3245|A3|82|LBR dated 6-4-1982. The issue referred for arbitration is "Whether the workers of the two estates, viz., Podiyadi and Meerode Estates, Keezhariyoor are eligible for the minimum wages prescribed for plantation labourers and what will be the rate of wages to be paid to them with effect from 1-8-1981."

2. The reference was taken on the file of the State Arbitration Board and notices were issued to the management and the unions. They entered appearance and filed their respective claim statements.

3. Six persons are on the array of parties representing the management and, for the sake of convience, they may, hereinafter, be referred to as employer 1 to 6. The workmen are represented by the General Secretary, National Estate Employees Union and Secretary, Kurumbranad Taluk Estate Workers Union. The Unions have filed a joint claim statement.

4. The contentions of the unions may be summarised as follows:—The dispute referred for arbitration relates to two Estates named Meerode and Podiyadi. It is a domestic concern of employers 1 to 6. Meerode estate has an extent of 50 acres of rubber alone. It consists of three portions, namely, Meerode, Kallarod and Orayakunnu. 16 workmen including 2 staff members are employed

in Meerode estate. They are inter changeable with the workmen of Podiyadi estate. Podiyadi is a mixed plantation of coconut, cocoa and rubber. It has an extent of 100 acres. 20 workers and 3 staff are working in Podiyadi estate who are interchangeable with the workers of Meerode estate. Muster and aquittance rolls for the two estates are common. There was a settlement in 1980 between the workers and the estate owners under which it was agreed that the workers of both estates would be paid the minimum wages prescribed for the rubber plantation over and above the other benefits admissible to the employees of rubber plantation covered by the Plantation Labour Act, such as bonus, weather protection, national and festival holidays, medical benefits, maternity benefits etc. It is, therefore, prayed that the Arbitration Board be pleased to pass an award directing the management to pay the workers of the two estates minimum wages prescribed for plantation workers.

5. Employers 3 to 6 have filed a joint written statement, while employers 1 and 2 have filed separate written statements.

6. According to Mr. M. C. George (employer No. 1) Meerode estate had an extent of 120 acres of which 30 acres were planted with rubber and the rest with cashew. Out of the total area of 120 acres Government took over 85 acres as excess land under the Land Reforms Act. Oravakunnu is not a portion of Meerode estate. It lies 5 miles away from Meerode and is owned by another person. 8 tappers are working in Meerode estate and they have never been interchangeable with the workers of Podiyadi estate as alleged. There was, no doubt, a settlement dated 22-9-1980 but it does not contain any agreement that all employees would be paid minimum wages prescribed for plantation workers. The settlement relates to Podiyadi estate alone and in no way connected to Meerode estate. In Podiyadi he has 9 acres of coconut garden with 500 trees thereon. This land is classified in revenue records as wet lands. About two miles from Podiyadi he has 15 acres of rubber and 5 acres of cashew. This is a separate establishment with different set of workers. It is, therefore, prayed that this Board be pleased to hold that the workers of Podiyadi estate are not eligible for minimum wages prescribed for plantation labourers.

7. Employer No. 2 contends that he has 10 acres of coconut, 9 acres of rubber and 37½ acres of coffee. Each estate is situated miles apart having separate management staff and workers. The workers are paid the minimum wages, prescribed for coffee and rubber and by negotiated settlements in coconut. According to him, he has four workers in his coconut estate. They are Hassan, Gopalan, Thirumala, and Pennutty. They are not working in his

rubber estate. There was never a settlement of wage dispute to pay the coconut estate workers wages prescribed for plantation labourers. At times the wages paid to agricultural workers were more or less equal to that paid to plantation workers because both the wages were near to each other. He is paying many of the benefits to his workers of the coconut estate which are not normally due to them, for reasons of humanity, sense of fairness and collective, bargaining pressure and not because he is legally bound to pay the same. It is only fair that when the same management is having different establishments, workers in each establishment should be paid according to the rates prevalent in such establishment instead of uniformingly applying the highest rate to all the establishments. He would therefore, contend that the workers employed in his coconut estate is not eligible for wages payable to plantation labourers.

8. In the joint claim statements filed by employers 3 to 6 they contend that they are not in any way connected with Meerode estate. They have no rubber plantations. The allegations that Meerode and Podiyadi are interrelated is incorrect. They are separate entities. Podiyadi estate workers are not interchangeable with those of Meerode estate. The areas in their names are wet lands and the workers working in their areas are not plantations labourers coming under the Plantation Labour Act. Employer No. 3 has 10 acres of coconut and 3 acres of cashew; employer No. 4, is in possession of 10 acres of coconut, employers No. 5, has in his possession 7 acres of coconut and employer No. 6, 8 acres of coconut. It is incorrect to club together the areas in the possession of all the employers and treat the same as a single establishment. The claim made by the unions for minimum wages in respect of coconut and agricultural labourers under Plantation Labour Act is not maintainable since they are governed by the Kerala Agricultural Workers Act and the Rules made thereunder. The allegation made by the unions with regard to the settlement arrived at before the Labour Officer is not correct. In fact the said settlement does not contain an agreement that all the employees would be given minimum wages prescribed for rubber plantations. These employers are holding their lands separately and paying agricultural incometax, land revenue, Panchayat tax etc., separately. The workers' claim is vexatious and has been brought solely for the purpose of harassing the employers. It is, therefore, prayed that the claim of the unions be dismissed with costs.

9. The unions have filed a replication reiterating their claims and repudiating the contentions of the employers.

10. The issue for decision is:—

"Whether the workers of the two estates viz., Podiyadi and Meerode Estates, Keezhariyoor, are eligible for the minimum wages prescribed for plantation labourers and what will be the rates of wages to be paid to them with effect from 1-4-1981."

11. The union has examined 3 witnesses and produced Exts. W1 to W3. On the side of the management 4 witnesses were examined and Exts. M1 to M17 produced and marked. The issue raised in this proceeding relates to two estates known by the names Podiyadi and Meerode. It has come out in evidence that these estates are lying more than a mile apart, the distance between them being variously described has one mile by the witnesses for the union and five miles by the employers' witnesses. At any rate, they are not lying contiguous and are, at least, one mile apart. Meerode estate is planted by rubber and cashew alone and there are no coconut trees there. Podiyadi estate is solely planted with coconut trees and some cocoa plants. Though Meerode estate is mainly planted with rubber, it cannot be called a plantation as defined in the Plantation Labour Act because its extent and the number of workers employed therein are less than that prescribed by the Act. Nevertheless, it is admitted that the workers in that estate are being paid the wages notified for the plantation labourers. The workers of that estate do not claim any enhancement of wages as they are paid the minimum wages payable to plantation workers from time to time with attendant fringe benefits.

12. The main point raised by the union is that the workers on Meerode and Podiyadi estates are interchangeable in the sense that the workers of one estate are shifted to the other when there is no work in the former estate. The union, therefore, claims that since all the workers are at one time or other working in Meerode estate a 11 of them should be paid the wages of plantation workers. But, according to the employers the two estates are separate entities and the workers attached to one are not permitted to work in the other estate. Podiyadi estate being a coconut garden, the workers therein are purely agricultural workers who can never be treated on a par with plantation labourers. Hence the point to be decided at this stage is whether the alleged interchangeability of the workers between the two estates is true.

13. That the two estates have been treated as separate entities is clearly borne out by the evidence adduced in the case. Ext. W1 is the copy of a conciliation settlement effected by the Deputy Labour Commissioner, Kozhikode, between the management and workers

of Meerode estate on 7-9-1978. On the same date another settlement was arrived at between the workmen and management of Podiyadi estate, a copy of which is produced and marked as Ext. W3. Similarly on 22-9-1980 there were two settlements separately made in respect of both the estates under Exts. M1 and M2. These documents amply prove that the two estates were treated as separate entities and that the workmen were considered for and accorded benefits differently. There was no need to sign separate settlements on the same date if the two estates were treated as one establishment.

14. Where two estates were treated as separate entities and the workers given different wages in accordance with the nature of the estate it is hardly possible to conclude that the workers of one estate would work in the other estate off and on as and when the management direct them to do so. It may be noted that the workers of Podiyadi estate had no claim to be treated as plantation labourers when Exts. W1, W2 M1 and M2 were arrived at. The workers it would appear, made the demand for the first time only towards the end of 1981, and it was to consider also such demand that a conciliation meeting was held on 5-2-1982, in which Ext. W2 agreement was signed and the issue has been referred for arbitration. Hence the bonafides of the union's contention that the workers of the two unions were interchangeable is open to serious doubt.

15. There is also another aspect which goes against the contention of the union. Employers 3 to 6 have no rubber estate; their rights are solely confined to certain areas in Podiyadi estate. It is not possible for them to send their workers to Meerode estate because they have no right to that estate. If that be so their workers cannot be treated on a par with plantation labourers since they have never worked in Meerode estate.

The oral evidence adduced by the union to prove their poin consists in the testimony of 3 witnesses, Kunhikannan Nair, Raru Kurup and Narayanan. Sri Narayanan is a tapper attached to Meerode estate, while Mr. Kunhikannan is a worker of Podiyadi estate. Mr. Raru Kurup is not a worker of any of the two estates but is a union leader. Narayanan swears that he used to work in Podiyadi estate for about three months in a year when there was no work in Meerode estate. WW2 Raru Kurup is not a worker of Podiyadi or Meerode estates. He would however swear that the workers of both the estates are interchangeable. WW3 Kunhikannan Nair is a worker of Podiyadi estate. He too swears that he would work in Meerode estate when there was no work in Podiyadi estate. The management witnesses swear exactly the opposite of what has been sworn to by WW1 to 3. The evidence of the union is contrary

to the documentary evidence adduced in the case. We have, therefore no alternative but to reject the oral testimony of the union witnesses. We, therefore, hold that the alleged interchangeability of the workers is not true and that the workers attached to each of the estates are working in that estate only and in no other. It follows that the workers of Podiyadi estate are not entitled to the wages payable to plantation labourers.

On behalf of the union it was contended before us that the employers themselves have admitted in Ext. M1 settlement that they would pay minimum wages to their workers of Podiyadi estate on a par with the wages admissible to plantation labourers. In support of this contention the union points out clause 1 in Ext. M1 which is as follows:—

ഇന്ന് തോട്ടം വ്യവസായത്തിൽ നിലവിലുള്ള കുറഞ്ഞ കൂലിയായ 9രൂപ50 പൈസ് സ്ത്രീ പുരുഷ ഭേദമെന്യ കൂലി കൊടുക്കുന്നതിന് തൊഴിലുടമകം സമ്മതിക്കുന്നു.

According to the union തോട്ടം വ്യവസായത്തിൽ occuring in clause 1 extracted above refers to rubber plantation and so the employers are estopped from contending that they are not bound to pay their employees of Podiyadi estate minimum wages admissible to plantation labourers. This argument is strenuously opposed by the employers. We are unable to accept this argument. It is not unusual to refer coconut gardens as തോട്ടം and merely because the word തോട്ടം occurs in a settlement it does not follow that the word refers to rubber plantations. Ext. M1 settlement has been made in respect of Podiyadi estate and hence it must prima facie be construed to refer to coconut plantation, unless a contrary intention is clearly expressed to show that some other plantation was intended. There was also no reason why the word rubber should be omitted if such was the intention of the parties. The argument of the union should, therefore, be rejected. In accordance with our finding the first part of the reference is answered as follows, namely the workers of Meerode estate alone are eligible for minimum wages prescribed for plantation labourers but the workers of Podiyadi estate are not eligible.

16. It is conceded by both sides that the workers of Meerode estate are being paid the minimum wages prescribed for plantation labourers. So the rate of wages to be paid to them does not arise for consideration. As regards the workers of Podiyadi estate they are purely agricultural labourers who are now getting more than the minimum wages prescribed for such labourers. There were periodical revisions of their wages cuminating in Ext. W2 wage revision in 1982. Under Ext. W2 wages were fixed at Rs. 13.40 per day with effect from 1-1-1982. Substantial increase in wages was also allowed for prior periods. At the time of hearing the employers

very fairly conceded that a small increase in the existing wages may be granted at the discretion of the Board. The Podiyadi estate workmen are currently getting wages far in excess of the minimum wages prescribed for agricultural workers. They are also given certain fringe benefits which are not legally admissible to such workmen. As already indicated, under Ext. W2 agreement substantial wage rise was accorded to them with retrospective effect. Since the date of Ext. W2 the cost of living index has been steadily on the rise with the result that during this period several instalments of DAs have been sanctioned to the Central and State Government employees and their pensioners with a view to make the ends meet. It is, therefore only just and proper that a small rise in the existing wages of Podiyadi estate should be granted with retrospective effect to the labourers working there. In this connection we have to make a distinction between the men and women workers since the nature of the work done by them is different. On a consideration of all the aspects and the circumstances of the case we propose the present rate of daily wages, viz., Rs. 13.40 to have effect from 1-4-1981 and an annual increment thereafter to the present date. Accordingly we revise the rate of wages as follows:—

17. For workers other than tree climbers.

			Men	Women
1-4-1981	to	31-12-1981	13.40	13.40
1-1-1982	to	31-12-1982	14	13.40
1-1-1983	to	31-12-1983	15	13.40
1-1-1984	on	wards	16	13.50

For tree climbers

			നാളികേരം വെട്ടുന്നതിന്	കുല കെട്ടുന്നതിന്
1-4-1981	to	31-12-1981	25	20
1-1-1982	to	31-12-1982	26	20.80
1-1-1983	to	31-12-1983	27.82	22.25
1-1-1984	on	wards	29	23.25

18. In the result an award is passed in the following terms:— The rates of wages of workers of Podiyadi estate are as indicated in para 17 above. The employers are directed to pay the same less the amount already paid. The workers of Meerode estate will be paid the minimum wages fixed for plantation workers or the existing wages whichever is higher. There will be no order as to costs in this proceeding.

Dated this the nineteenth day of May 1984.

1. P. J. Cherian. (Sd.)
2. R. Prakasam. (Sd.)
3. K. Kasi Viswanathan. (Sd.)

APPENDIX

1. Witnesses examined on the side of the Management:

1. Sri K. P. Gangadharan Nair 2. „ M. C. George 3. „ M. C. Ninan 4. „ M. P. Cherian	Advocate Sri V. Sreedharan Nair, appeared for employers 3 to 6.

2. Documents marked on the side of the Management:

Ext. M1	True copy of conciliation dated 22-9-1980 of District Labour Officer, Kozhikode.
„ M2	True copy of conciliation dated 22-9-1980 of District Labour Officer, Kozhikode.
„ M2 (a)	Revenue receipt dated 15-12-1981 of the Village Officer, Keezhariyoor.
„ M2 (b)	Revenue receipt dated 17-3-1981 of Village Officer.
„ M2 (c)	Revenue receipt dated 4-12-1981 of Village Officer, Keezhariyoor.
„ M3	Revenue receipt dated 8-6-1977 of Village Officer, Keezhariyoor.
„ M4 (1)	Revenue receipt dated 15-12-1981 of Village Officer, Keezhariyoor.
„ M4 (2)	Revenue receipt dated 4-12-1982 of Village Officer, Keezhariyoor.
„ M5	Revenue receipt dated 15-12-1981 from the Village Officer, Keezhariyoor.
„ M6(P1|2)	Copy of Plantation Tax Assessment No. 360|75-76 from the Tahsildar, Quilandy.
„ M6(P2|2)	Copy of notice of assessment and demand under the section of the Kerala Plantation Tax Act of the Tahsildar, Quilandy.
„ M7 (a)	Revenue receipt dated 12-4-1980 of the Village Officer, Keezhariyoor.
„ M7 (b)	Revenue receipt dated 15-12-1981 of the Village Officer, Keezhariyoor.
„ M8(P1|2)	Copy of notice of assessment and Demand under Section 8 of the Kerala Plantation Tax Act 1960 No. 834|70 dated 29-7-1976 of the Tahsildar, Quilandy.

Ext.	M8(P2|2)	Plantation Tax Assessment No. 834|70-71 dated 29-7-1976 of the Tahsildar, Quilandy.
„	M9	Copy of Memorandum of settlement dated 6-7-1974 of the District Labour Officer, Kozhikode.
„	M10	Copy of the notice dated 28-5-1973 of the Kerala State Karshaka Thozhilali Union.
„	M11	Copy of the Demands dated 25-5-1974 of the State Karshaka Thozhilali Union.
„	M12	Copy of the notice dated 23-4-1973 of the Kerala State Karshaka Thozhilali Union.
„	M13	Order No. TLB (2) 10|73 dated 18-12-1980 of the Taluk Land Board, Quilandy.
„	M14	Income Tax Assessment receipt No. 1427 dated 15-3-1979 of the Bill Collector, Keezhariyoor.
„	M15	Proceedings No. G. 60|76-77 dated 19-3-1981 of the Additional Agricultural Income Tax Officer, Perambra.
„	M16	Proceedings No. A 122|80-81 dated 4-12-1980 of the Agricultural Income Tax Officer, Perambra.
„	M17	Proceedings No. A 49|78-79 of the Agricultural Income Tax Officer, Perambra.

3. **Witness examined on the side of the Union:**

WW1 Sri K. M. Narayanan.
WW2 „ Raru Kurup.
WW3 „ Kunhikannan Nair.

4. **Documents marked on the side of the Union:**

Ext.	W1	True copy of Memorandum settlement dated 7-9-1978 by the Deputy Labour Commissioner, Kozhikode.
„	W2	True copy of Memorandum settlement dated 5-2-1982 of the District Labour Officer, Kozhikode.
„	W3	Memorandum of settlement dated 7-9-1978 of the Deputy Labour Commissioner.

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1129|84|LBR. *Dated, Trivandrum, 20th August, 1984.*

The award of the Industrial Tribunal Alleppey in respect of the dispute between the Managing Director, F. A. C. T. Ltd., Udyogamandal and the workmen of the above concern represented by the General Secretary, FACT Workers Association, Udyogamandal received by Government on 17-8-1984 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

T. PADMAVATHY AMMA,
Deputy Secretary to Government.

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, ALLEPPEY

(Dated this the 1st day of August, 1984)

Present:

Shri K. KANAKACHANDRAN
Industrial Tribunal

In

INDUSTRIAL DISPUTE No. 8|82

Between

The Managing Director, F. A. C. T. Ltd., Udyogamandal

And

The workmen of the above concern represented by the General Secretary, FACT Workers Association, Udyogamandal.

Representations:—

M/s Menon & Pai,
Advocates, Ernakulam. — For *Management*

M/s M. Ramachandran &
K. R. B. Kaimal, Advocates,
Cochin-17. — For *Union*

AWARD

The workman concerned in this dispute was appointed as a Security Cuard in the Management company on 2-5-1961 on a basic pay of Rs. 40 at Udyogamandal Division of FACT. He was only a SSLC holder at that time. Later he was appointed as an Issue Clerk in the Traffic Department of Udyogamandal Division 9-5-1962. On the request made by him, the management granted facility to continue his study in the College and thus he passed B. Sc. degree examination in the year 1968 with First Class and Rank. Later he was transferred to the Regional Mixing Centre at Chingavanam, a unit of management company. This transfer was also on his request and that was to enable him to prosecute his studies in the Medical College, Kottayam. After the transfer, his designation was changed as Additional Analyst but he was paid only the salary of an Issue Clerk. He continued his studies at the Medical College and on completion of his MBBS examination, certain disciplinary proceedings were initiated against him which ultimately resulted in his dismissal from the services on 28-4-1980. He is now a qualified Medical Practitioner.

2. After the dismissal, the workman raised an Industrial Dispute through the General Secretary of FACT Workers Association, Udyogamandal and that resulted in the reference of following issue for adjudication:

> Whether Sri R. Raghavan, B. No. 6226 formerly Issue Clerk in the Traffic Department is entitled to the wages of additional Analyst/Chemist consequent on his transfer to the Regional Mixing Centre at Chingavanam or not? In either case what are the reliefs he is entitled.

3. In the claim statement filed by the union it is contended that the workman Sri Raghavan was working as an Additional Analyst in the Chingavanam Mixing Centre and his duty time was from 5 p. m. to 1 a. m. After his posting as an Additional Analyst, he never had done the work of a Clerk and he had been doing only the

work of the Chemist and in view of this, he should have been given the salary of a Grade II Chemist in the company. In the year 1969, the Chemist who was working at the Chingavanam Mixing Centre was transferred and then after the workman himself was doing all the work of the Chemist. The pay scale admissible to an Issue Clerk in the Traffic Department as well as Clerks in Udyogamandal Division in the year 1968 was Rs. 80-5-130 and that was later enhanced by agreement dated 19-5-1969 to Rs. 130-7-165-8-235. In the case of Grade II Chemist, the basic pay was raised to Rs. 70-455 from the then existing scale of Rs. 90-220. The agreement dated 19-9-1969 had provided for procedure for fitment of the employees working in each category with due regard to their service. Even after the revision in pay scales, the management refused to give the workman the salary of a Chemist although he was the only Chemist working in the Laboratory attached to the Regional Mixing Centre. Therefore it is stated that he is entitled to wages applicable to a Grade II Chemist of Marketing Division of FACT. In the claim statement, the details of the wage fixation he got as an Issue Clerk and also that of a Grade II Chemist had he been given the pay applicable to that post are shown. The union had quantified an amount of Rs. 10,283 as the difference in pay for which normally he would have been entitled as a Chemist Grade II. In addition to that, it is contended the workman would have been entitled for enhanced provident fund while taking into account enhancement in wages. Another grievance is that despite his long years of service as Analyst|Chemist, he was not given promotion to the Grade I whereas several employees juniors to him and working in other laboratories of the Marketing Division were awarded promotions far earlier.

4. In the written statement filed by the management a preliminary question was raised with regard to the legality of the reference itself. It is contended that the FACT Workers Association, Udyogamandal which raised the industrial dispute was not at all a recognised union in the Marketing Division where the concerned workman was working and therefore that union has no locus standi to raise the dispute for and on behalf of the workman. In view of this it is contended that the reference itself is invalid and without jurisdiction.

5. The other contentions of the Management are:—

The transfer of Sri Raghavan to Chingavanam was on his request and that was to enable him to pursue with his study in the Medical College, Kottayam. His request for permission to join MBBS course while keeping himself in service was allowed by the management as a measure of goodwill and gesture. The transfer was

effected with the specific condition that he would continue to draw the same pay although he was designated as Additional Analyst. In fact, there was no vacancy at Chingavanam Mixing Centre to accommodate Sri Raghavan also. Although Mixing Centre was not functioning during night, he was allowed to work in the night as a special case. At the Mixing Centre, the staff was surplus and any sort of addition in the staff pattern was unnecessary. However the workman was allowed to continue at Chingavanam and his duty hours was fixed from 5 p. m. to 1 a. m. The workman passed his MBBS examination in the year 1977 and then after he started remaining absent without permission from 22-7-1977. Although he was an employee covered under the ESI scheme, he did not produce any medical certificate from ESI authorities. Since he continued with his unauthorised absences without tendering any explanation, proceedings were initiated against him for misconduct and that ended in his dismissal with effect from 28-4-1980. It is further stated that the present issue referred for adjudication was never raised either by the workman or any of the unions representing the FACT Ltd., Marketing Division. Only after disciplinary action was initiated against the workman, the dispute was raised. According to the management he was never posted as a Chemist in the Mixing Centre and in fact there was no post of additional Analyst also in the company. Because of this, when settlements were signed, no wage scale was separately fixed for additional Analyst. The post of additional Analyst at the Chingavanam Mixing Centre was unnecessary and that was the reason why nobody was substituted after the dismissal of the workman in the year 1980. Only as a special case a special post of Additional Analyst was created in the scale of Rs. 80-130 in the Chingavanam Mixing Centre. The management has also given certain details in respect of the wages for which the workman would have been entitled had he been fitted to the post of Grade II Chemists. According to the management, that difference in the earning would be only Rs. 5839.54 as against the claim of Rs. 10,283 made by the union.

6. From the documents produced by the management it can be seen that the workman concerned in the dispute was doing the work of Additional Analyst after his transfer to the Chingavanam Mixing Centre. It is clear from a reading of Ext. M8:—

> Sri R. Raghavan will work as an Additional Analyst in the Chingavanam Mixing Centre. Samples of mixtures taken during day time should be analysed by him during night. His working hours will be 5 p. m. to 1 a. m. On his being present at the above timings Sri Raghavan may be given attendance.

The wordings contained in Ext. M8 have to be examined with reference to a previous order issued by the Managing Director of the company on 10-4-1969. Ext. M7 is the order issued by the Managing Director. This order was issued on the basis of representation made by the workman personally to the Managing Director. It would be better to extract the full text of Ext. M7 letter in this award since that will determine the very fate of the dispute.

> It is understood that Sri Raghavan who has been posted to the Chingavanam Mixing Centre has not been paid his salary during the last month. I also understand that he has not been able to attend office during day time due to some personal problems. As he is a 1st Class Chemistry graduate, we should utilise him as an Analyst. He may therefore be posted as additional Analyst of mistures during night shifts in the Chingavanam Mixing Centre. *He will, no doubt, be on the same scale of pay as at present.* This may be done immediately and his salary for the following periods paid:—
>
> (i) 19th November 1968 to 19th January 1969.
>
> (ii) 20th March 1969 onwards.

Ext. M7 was issued by the Chief Executive of the management company considering his competency as also additional qualification he acquired while in service. It is the wish of the Managing Director that his service should be utilized as that of an Analyst. In this letter, in unequivocal terms there is reference that the workman would not be entitled for any higher salary although he is doing the work of an Analyst. The veracity of Ext. M7 order is not disputed by the union.

7. There is no evidence to show that at any time after the issuance of Ext. M7 order, the workman had raised any claim for higher scale of pay than what he was receiving at the time of his appointment at Chingavanam Mixing Centre as Additional Analyst. The counsel for the management has submitted that neither the union nor the workman had at any time till the dismissal of the workman from service, raised any issue with regard to the enhancement of his salary. There is a passive reference in the claim statement that the workman was forwarding number of representations through proper channel for the redressal of his grievances. The contention raised in the claim statement was negatived by the management saying that till the dismissal of the workman from the service, no such claim for enhancement of wages was raised by

the workman or his union. In that circumstance, the burden of proof is on the union to establish that representations were submitted to the management highlighting his grievances on the issue of enhanced wages. Ultimately the union had to concede at the time of hearing that no such representations were submitted to the management at any time before the initiation of disciplinary proceedings against the workman.

8. This is case in which an industrious and intelligent employee was given encouragement by the management by all means to pursue with his higher studies. The facts reveal that this workman had a humble beginning. He was only an SSLC holder at the time when he joined the service of the management in the year 1961. Initially he was only a Security Guard. On account of his hard work he acquired First Class and Rank in the B. Sc. examination and that was given recognition by the management. Only because of his anxiety to join MBBS course at Kottayam Medical College, he requested for a transfer to Chingavanam Mixing Centre. His request was gracefully allowed by the management. To suit his qualification, his designation was changed from Clerk to that of an Analyst. Then after he had to do only the work of an additional Analyst. That type of work itself was given only to enable him to carry on with his study during the day time. As a special case he was allowed to do the work of an Analyst during night time, although the Mixing Centre need not be kept opened in the night. The assignment of the new post itself was on the specific conditions that he would not be entitled for any enhanced pay. Fully knowing the true implication of the terms of the order in Ext. M7, the workman continued with his work at Chingavanam as an Analyst from 1969 to 1977. Only by the time when disciplinary actions were initiated against him, he thought of claiming enhanced wages. That claim, according to me, was not at all fair. It is not expected from an employee who had enjoyed all the facilities given by his employer to better his own prospect. Fully utilizing the opportunity given, he acquired MBBS qualification. He was not at all sore at the low wages given earlier. He opted for it and agreed for it. Therefore his claim cannot have any legal base now. Therefore the issue referred for adjudication is decided against the workman.

K. KANAKACHANDRAN,
Industrial Tribunal.

Alleppey.

APPENDIX

Witness examined on the side of the Management

MW1. Shri K. A. Ramachandran
MW2. Shri K. J. Titas

Witness examined on the side of the workman

WW1. Dr. R. Raghavan

Exhibits marked on the side of the Management

Ext. M1. A letter dated 9-10-1968 received from Sri R. Raghavan.
„ M2. A letter dated 24-10-1968 received from Sri R. Raghavan.
„ M3. Transfer order dated 18-11-1968 addressed to Sri R. Raghavan.
„ M4. Transfer order dated 8-11-1968 addressed to Sri R. Raghavan.
„ M5. Order dated 19-11-1968.
„ M6. Office order dated 17-1-1969 addressed to the workman.
„ M7. Chairman's letter dated 10-4-1969.
„ M8. Posting order dated 12-4-1969.
„ M9. The long term settlement dated 14-5-1970.
„ M10. Settlement dated 4-1-1975.
„ M11. Settlement dated 9-5-1975.

Exhibits marked on the side of the workmen

Nil.

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1125/84/LBR. *Dated, Trivandrum, 20th August, 1984.*

The award of the Labour Court Ernakulam in respect of the dispute between the Manager, Mittal Steel Re-Rolling and Allied Industries, Ltd., P. O. Wadakkancherry—Cochin, Trichur District and their workmen represented by the Secretary, Mittal Steel Re-Rolling Company Thozhilali Union (CITU), Wadakkancherry P. O., Trichur District, received by Government on 14-8-1984 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

T. PADMAVATHY AMMA,
Deputy Secretary to Government.

IN THE LABOUR COURT, ERNAKULAM

Present:
SHRI N. SUKUMARAN, B.Sc., B.L.

Presiding Officer
Tuesday, the 7th August 1984

INDUSTRIAL DISPUTE No. 56 OF 1981

Between

The Manager, Mittal Steel Re-Rolling and Allied Industries Ltd., P. O. Wadakkancherry—Cochin, Trichur District.

And

The workmen of the above concern represented by the Secretary, Mittal Steel Re-Rolling Company Thozhilali Union (CITU), Wadakkancherry P. O., Trichur District.

GA. 374/MC.

Representations:—

M/s. M. V. Joseph & A. V. Xavier, Advocates, Ernakulam. — For *Management.*

Shri P. K. Asokan, Advocate, Trichur. — For *Union.*

AWARD

The issue referred for adjudication by Covernment as per G. O. (Rt.) No. 734/81/LBR dated 6-6-1981 is the following:—

"Regularisation and confirmation of the following workers in the Round Cutting Section:

1. Shri T. P. Hamza.
2. „ T. R. Venugopalan.
3. „ C. R. Krishnankutty.
4. „ T. Kesavan.
5. „ K. K. Sankaranarayanan.
6. „ M. M. Mammy.
7. „ P. P. Veerankutty.
8. „ P. E. Aseenaru.
9. „ V. D. Francis.
10. „ C. D. Francis.
11. „ P. Copalan.
12. „ P. K. Gopi.
13. „ Appu.
14. „ V. T. Thomas.
15. „ M. C. Damodaran.
16. „ N. Unniankutty.
17. „ P. A. Chandran.
18. „ R. N. Gopi.
19. „ T. C. Wilson.
20. „ K. K. Mohanan.
21. „ T. Karappan.
22. „ P. P. Varghese.
23. „ P. P. Ceorge.
24. „ Vijayan."

2. The contention of the Union is that workmen Nos. 1 to 18 have put in 11 years of continuous service and the remaining three years each in the establishment of the Management engaged in production as an integral part of the establishment. They are not confirmed but treated as workmen of a Contractor simply as a guise to deny them some of their legitimate rights. The contention of the Management is that the persons mentioned in the reference order are not its employees but workmen of a Contractor.

3. An award was passed by me in the absence of the Management on 21-7-1984 directing absorbtion of the employees involved in the reference on a regular basis. Since then the Management filed M. P. 52/84 for setting aside the ex parte award and the same was allowed by me and the case reopened.

4. It was reported even before the prior award that the matter had been settled out of court. But I passed that award since the settlement said to have been reduced to writing was not produced as was undertaken. Now that settlement is produced and a joint application is also filed by the parties requesting that an award may be passed accordingly.

5. All that I need do is to pass an award in terms of the settlement reached between the parties. The relevant terms are as follows:—

"1. വലിയ മില്ലിലെയും ചെറിയ മില്ലിലെയും കമ്പികൾ ട്വിസ്റ്റു ചെയ്യുന്നതിന്, കമ്പികൾ താഴെ വിവരിക്കുന്ന തൊഴിലാളികൾക്കു നൽകുന്നതിനു തൊഴിലുടമ സമ്മതിച്ചിരിക്കുന്നു. പ്രസ്തുത ആവശ്യത്തിലേക്കുള്ള കമ്പികൾ കൂളിംഗ് അതിനു സമീപമുള്ള രണ്ടു ട്വിസ്റ്റിംഗ് മെഷീനുകൾക്കു സമീപം തൊഴിലുടമ എത്തിക്കുന്നതും അങ്ങനെ എത്തിക്കുന്ന കമ്പികൾ ഏതു സൈസിലും കടുപ്പത്തിലും ഉള്ളതാണെങ്കിലും ട്വിസ്റ്റു ചെയ്തു വളച്ചുകെട്ടി വെയിംഗ് ബ്രിഡ്ജിൽ തൂക്കമെടുത്ത് കമ്പനിയുടെ കിഴക്കെ മതിലിനു സമീപമായി ഭിത്തിയോടു ചേർത്ത് ഏതു സ്ഥലത്ത് അട്ടിയിടുവാൻ മേലധികാരികൾ നിർദ്ദേശിക്കുന്നുവോ ആ സ്ഥലത്ത് അട്ടി ഇട്ടുകൊടുക്കുന്നതിന് തൊഴിലാളികൾ സമ്മതിക്കുന്നു. അങ്ങനെയുള്ള കെട്ടിന്റെ തൂക്കം അമ്പത്, അമ്പത്തിയഞ്ചു കിലോയിൽ കവിയാൻ പാടില്ലാത്തതും ഏതൊരു കാരണവശാലും അറുപത് കിലോ തൂക്കത്തിൽ കവിയാൻ പാടില്ലാത്തതും അറുപതു കിലോയിൽ കൂടുതൽ തൂക്കത്തിൽ കെട്ടുകയാണെങ്കിൽ നിശ്ചിത റേറ്റിൽ നിന്നും ടൺ ഒന്നിന് 10 രൂപ പ്രകാരം തൊഴിലാളികൾക്കു ലഭിക്കേണ്ടതിൽ നിന്നും കുറവു ചെയ്യുന്നതിനും തൊഴിലാളികൾ സമ്മതിക്കുന്നു.

2. ഒരാഴ്ചയിൽ 75 ടൺ കമ്പി ടി ട്വിസ്റ്റിംഗ് മെഷീനുകളിൽ ട്വിസ്റ്റു ചെയ്തു തരുന്നതിനും തൊഴിലാളികൾ സമ്മതിക്കുന്നു. കമ്പനി മേലധികാരികളോ കമ്പനി സൂപ്പർവൈസർമാരോ ആവശ്യപ്പെടുന്ന സമയം വെയിംഗ് ബ്രിഡ്ജിൽ നിന്നും കമ്പികൾ എടുത്തു മാറ്റുന്നതാണെന്നും അതുപോലെതന്നെ ലോറി വെയ്മെന്റ് എടുക്കുവാൻ വരുന്ന സമയങ്ങളിൽ വെയിംഗ് ബ്രിഡ്ജിൽ നിന്നും കമ്പി നിർദ്ദേശം ഒന്നും കാത്തിരിക്കാതെ മാറ്റുന്നതാണെന്നും തൊഴിലാളികൾ സമ്മതിച്ചിരിക്കുന്നു.

3. യാർഡിൽ ട്വിസ്റ്റ് ചെയ്യുന്നതിനുള്ള കമ്പികൾ 75 ടണ്ണിനു മേൽ സ്റ്റോക്കു വരുമ്പോൾ കമ്പനി മേലധികാരികൾക്കു താല്പര്യമുള്ള ആളുകളെക്കൊണ്ടോ അല്ലെങ്കിൽ കോൺട്രാക്റ്റ് വ്യവസ്ഥയിലോ കമ്പി ട്വിസ്റ്റു ചെയ്യിക്കുന്നതിനു തൊഴിലാളികൾ എതിർക്കുകയില്ലെന്നും തൊഴിലാളികൾ സമ്മതിക്കുന്നു.

4. തൊഴിലുടമയുടെ ഉദ്യോഗസ്ഥനോ, ഉദ്യോഗസ്ഥൻമാരോ നിർദ്ദേശിക്കുന്ന സ്ഥലത്തുനിന്നും മിസ് റോഡ്സ്, തിരഞ്ഞെടുത്ത് നഷ്ടം വരാത്ത വിധത്തിൽ മുറിച്ച് കമ്പി കെട്ടുവാനുള്ള ഹുക്കുകൾ താഴെ വിവരിക്കുന്നവർ ഉണ്ടാക്കേണ്ടതാണ്. ഹുക്കുകൾ ഉണ്ടാക്കുന്നതിനു ടൺ ഒന്നിനു. 50 പൈസ വീതം കൂലി ലഭിക്കുന്നതാണ്.

5. കമ്പികൾ ട്വിസ്ററു ചെയ്തു വളച്ചു കെട്ടുകളായി വെയിംഗ് ബ്രിഡ്ജിൽ തൂക്കമെടുത്ത് കമ്പനിയുടെ കിഴക്കേ മതിലിനു സമീപം അട്ടി ഇടുന്നതിനു ടൺ ഒന്നിനു താഴെ വിവരിക്കുന്ന 'റേററ്' തൊഴിലാളികൾ സമ്മതിക്കുന്നു.

8 M.M. CTD	=	40 രൂപ
10 M.M. CTD	=	35 രൂപ
12 M.M. CTD	=	33 രൂപ
16 M.M. CTD	=	30 രൂപ

മീതെയും

6. ഏതെങ്കിലും ഇനത്തിൽ മേൽ വിവരിച്ച പ്രകാരം ജോലി ചെയ്യാത്ത പക്ഷം മേൽ വിവരിച്ച റേററിൽ നിന്നും ആനുപാതികമായി കുറവു ചെയ്യുന്നതാകുന്നു. വെയിംഗ് ബ്രിഡ്ജിൽ തൂക്കമെടുക്കുന്നതിൽ വീഴ്ച വരുത്തിയാൽ ടൺ ഒന്നിനു 10 രൂപ പ്രകാരം കുറവു ചെയ്യുന്നതിനു തൊഴിലാളികൾ സമ്മതിച്ചിരിക്കുന്നു.

7. ട്വിസ്ററു ചെയ്യുന്ന കമ്പികൾ അതാതു ദിവസം തന്നെ തൂക്കമെടുത്തു മേലധികാരികളെ ബോദ്ധ്യപ്പെടുത്തേണ്ടതാണ്.

8. മേൽ പറഞ്ഞിരിക്കുന്ന നിബന്ധനകൾക്കു വിധേയമായി താഴെ പറയുന്ന തൊഴിലാളികൾക്ക് ഹാജർ കാർഡും നിയമാനുസൃതമായ പ്രൊവിഡൻറ് ഫണ്ട്, ഇ.എസ്.ഐ., ബോണസ് എന്നിവയുടെ ആനുകൂല്യങ്ങൾ ലഭിക്കുന്നതിന് അർഹത ഉണ്ടായിരിക്കുന്നതാണ്. ട്വിസ്ററു ചെയ്യുന്നതിന് ആവശ്യമായ കമ്പികൾ യാർഡിൽ സ്റേറാക്ക് ഇല്ലാത്ത അവസരങ്ങളിൽ മാത്രം, നിയമാനുസൃതമായ ലേ-ഓഫിന് അർഹത ഉണ്ടായിരിക്കുന്നതാണ്.

9. കാലാകാലങ്ങളിൽ ഉണ്ടാകുന്ന കമ്പനിയുടെ ലാഭങ്ങൾക്കു വിധേയമായി പ്രവർത്തിച്ചുകൊള്ളാമെന്ന് തൊഴിലാളികൾ സമ്മതിച്ചിരിക്കുന്നു.

10. ഈ കരാർ ഇന്നുമുതൽ 2 കൊല്ലത്തേക്കു പ്രാബല്യത്തിലിരിക്കുന്നതും പ്രസ്തുത കാലാവധിക്കുള്ളിൽ സാമ്പത്തിക ബാദ്ധ്യത വരുന്ന യാതൊരു ആവശ്യവും ഉന്നയിക്കുന്നതല്ലെന്നും തൊഴിലാളികളും യൂണിയനും സമ്മതിച്ചിരിക്കുന്നു.

1. സി. ആർ. കൃഷ്ണൻ കുട്ടി
2. ടി. കേശവൻ
3. പി. ഗോപാലൻ നായർ
4. ടി. എ. വിജയൻ

5. ടി. ആർ. വേണുഗോപാലൻ
6. പി. ഉണ്ണ്യാൻകുട്ടി
7. പി. എ. അപ്പു
8. പി. എഫ്. ജോർജ്ജ്
9. പി. എഫ്. വർഗ്ഗീസ്
10. ടി. സി. വിൻസെന്റ്
11. പി. എ. ചന്ദ്രൻ
12. ടി. കറപ്പൻ
13. പി. വി. വീരാൻകുട്ടി
14. കെ. കെ. ശങ്കരനാരായണൻ
15. വി. ഡി. ഫ്രാൻസിസ്
16. പി. കെ. ഗോപി
17. എം. എം. മാത്തി
18. കെ. കെ. മോഹനൻ
19. എം. ജി. ദാമോദരൻ
20. കെ. എൻ. ഗോപി
21. വി. ടി. തോമസ്
22. സി. ഡി. ഫ്രാൻസിസ്
23. പി. ഇ. ഹസ്സനാർ.''

6. In the result an award is passed in terms indicated above. This is in supersession of the award dated 21-7-1984 earlier passed in this case.

Ernakulam,
7-8-1984.

N. SUKUMARAN,
Presiding Officer.

GA. 374/MC.

Kerala Gazette No. 40 dated 9th October 1984.
PART I



GOVERNMENT OF KERALA

Abstract

PUBLIC WORKS DEPARTMENT—ESTABLISHMENT—BIFURCATION OF THE PUBLIC WORKS DEPARTMENT INTO IRRIGATION AND PUBLIC WORKS (DEALING WITH BUILDINGS & ROADS) DEPARTMENTS—ORDERS ISSUED

PUBLIC WORKS, FISHERIES & PORTS (J) DEPARTMENT

G. O. (P) 102/84/PW, F&PD. *Dated, Trivandrum, 5th September* 1984.

ORDER

The question of reorganising the Public Works Department has been engaging the attention of Government for some time past. Government also, constituted a Committee to make an indepth study in the matter and to make recommendations on the reorganisation of the Department. The Committee has submitted its report which is annexed to this order.

2. In the report on reorganisation of the Department submitted by the Committee, it has been pointed out that the most urgent and overdue change in the general structure of the Department is the bifurcation of the work and cadres of the Irrigation branch and the Buildings and Roads branch and the solution lies in the formation of the Irrigation branch as a separate Department. The Committee has also pointed out that small works of local bodies like Panchayats and municipalities and rural works should be attended to within the district itself by the Public Works Department and that separate vertical agencies with state-wide jurisdiction are wasteful of time, effort and resources.

3. Government, having examined the matter in detail accept the recommendations made by the Committee and order accordingly subject to the following modifications/amplifications/clarifications.

(1) The Public Works Department will be bifurcated into Irrigation Department and Public Works Department (dealing with Buildings and Roads) with effect from 1-1-1985. The Irrigation Department so

formed will be under the administrative control of the water and Power Department in the Administrative Secretariat.

(2) The existing personnel in the Department will exercise option for the Irrigation Department or Public Works Department before 15-10-1984. If sufficient number of persons in all categories do not opt to a particular department, Government will decide on the allocation of persons to fill up the vacancies on the recommendation of a Committee of three Chief Engineers to be nominated by Government. The Specialisation aptitude and seniority of the individuals concerned will be taken into account by the Committee in the matter of allotment of persons to a particular Department.

(3) Transfer of persons between the Irrigation Wing and Buildings and Roads Wing will not be made as far as possible till the bifurcation is effected.

(4) The Irrigation Department will have a Project branch and a General Irrigation Branch under separate Chief Engineers as at present. General Irrigation Branch will also continue to attend works relating to inland water canals and coast protection.

(5) The Public Works Department will also have two branches viz. "Roads and Bridges Branch" and "Buildings and Local Works Branch". Though transfers of persons between these two branches are not barred, Engineers who wish to specialise in one of the branches will be retained in that branch.

(6) The Buildings and Local Works Branch will be under the Chief Engineer (Buildings and Local Works) and the Roads and Bridges Branch under the Chief Engineer (Roads and Bridges). There will be three Chief Engineers viz. Chief Engineer (Buildings and Local Works), Chief Engineer (Roads and Bridges) and Chief Engineer (N.H.) in Public Works Department.

4. The strength of the circles and Divisions in the Irrigation Department and the Public Works Department after re-organisation and bifurcation will be as follows:

IRRIGATION DEPARTMENT

The normal set up for a division in the Irrigation Department will be four subdivisions with three Sections under each subdivision.

General Irrigation Branch:

This Branch will have 5 circles and 18 divisions. The minor Irrigation works in Idukki District will be attended to by the Division at Kottayam, those in Pathanamthitta District by the Minor Irrigation Division, Chengannur and those at Wynad by the Minor Irrigation Division at Calicut. The existing three investigation divisions—Ground Water/Surface Water/Investigation Divisions will be abolished. The work

now being done by these three divisions will be done by one Sub-division in each District under the respective Minor Irrigation Division. The Project Division at Thanneermukkam will be abolished.

Project Branch :

The 49 divisions, including two divisions created under Kallada Irrigation Project recently, under 12 circles in this branch will be reduced to 45 divisions.

PUBLIC WORKS DEPARTMENT

On an average each division in the Public Works Department will have three Subdivisions and each Subdivision will have 3 sections.

Roads and Bridges Branch :

There will be one division in each District and 4 special divisions for major bridges.

Buildings and Local Works Branch :

There will not be a separate Local Bodies Engineering Wing under a Chief Engineer. But there will be one division each for Buildings and Local Works separately in the districts of (1) Trivandrum (2) Quilon (3) Ernakulam (4) Kottayam (5) Trichur (6) Palghat (7) Kozhikode (8) Cannanore. In the Districts of Pathanamthitta, Alleppey, Idukki, Malappuram and Wynad there will be a single Buildings Division which will also attend all Local Works in the District. These Divisions will attend to works of Local Bodies and works under special, component plan and tribal Sub-Plan and the works executed through Community Development Blocks. The Investigation and Planning Circle at Trichur will be abolished. The Division attached to the Rural Development Board Engineering Wing will be deployed to work as one of the new Buildings Divisions in the Public Works Department. The post of Superintending Engineer in charge of this Division will be abolished. Three more Circles will be created additionally so as to have three Circles each for the 'Roads & Bridges' and the 'Buildings & Local Works' Branches. Thus there will be 40 divisions and 6 Circles in the new Public Works Department including one Division for the Legislature Complex but excluding the Circle and Divisions of the Central Mechanical Unit.

5. The National Highway Branch will continue under the Chief Engineer (National Highways) as at present.

6. The Engineeing Research Institute at Peechi will be under the administrative Control of the Irrigation Department.

7. The Central Mechanical Unit will be part of the Public Works Department. But the Mechanical posts attached to the Irrigation Branch at present will function under the control of the Irrigation Department.

8. The Stores organisation, Architectural wing, Electrical Wing and Radio Wing will continue to be a part of the Public Works Department as at present.

9. The Buildings & Local Works Branch will maintain Department-wise and major programme-wise details of works and the same will be made available to the concerned Administrative Departments of the Secretariat and Minister concerned as and when required.

10. The post of the Chief Engineer, Legislature Complex will be abolished and the work of Legislature complex will be under the direct control of the Chief Engineer (Buildings and Local Works).

11. The two Chief Engineers viz. Chief Engineer, Legislature Complex and Chief Engineer, Local Bodies rendered surplus as a result of the above bifurcation and re-organisation will continue in office till two of the present Chief Engineers retire from service.

12. The statement showing the strength of circles and Divisions in the New Irrigation Department and the Public Works Department is appended to this order.

By order of the Governor,
R. G. CHOUDHURY,
Secretary to Government.

To

All Chief Engineers
The Accountant General, Trichur/Trivandrum
All Departments (all sections) of the Secretariat including Law and Finance
The Private Secretaries to Chief Minister, Deputy Chief Minister and all Ministers
The Under Secretary to Chief Secretary
The General Admn. (SC) Department
The Confidential Assistant to Secretary to Public Works Department, Joint Secretary I, Joint Secretary II, Deputy Secretary

APPENDIX

CIRCLES AND DIVISIONS IN IRRIGATION DEPARTMENT

General Irrigation Branch

Sl. No.	*Name of Circle*	*Name of Division*	*No. of Circles*	*No. of Divisions*
(1)	(2)	(3)	(4)	(5)
1.	M.I. Circle, Trivandrum	M.I. Division, Trivandrum	1	5
		M.I. Division, Quilon		
		do. Chengannur		
		do. Kottayam		
		do. Ernakulam		

(1)	(2)	(3)		(4)	(5)
2	M.I Circle, Calicut	M.I. Division,	Trichur	1	5
		do.	Palghat		
		do.	Malappuram		
		do.	Calicut		
		do.	Cannannore		
3.	Irrigation Circle, Trivandrum	Irrigation Division,	Trivandrum	1	4
		do.	Quilon		
		do.	Alleppey		
		do.	Ernakulam		
4.	Irrigation Circle, Trichur	Trichur		1	1
5.	Irrigation Circle, Calicut	Irrigation Division,	Manjeri	1	3
		do.	Tellicherry		
		do.	Calicut		
		Total		5	18

CIRCLES AND DIVISIONS IN IRRIGATION DEPARTMENT

(Project Branch)

Item	*Name of Project Circle*	*No. of Circles*	*No. of Divisions*
(1)	(2)	(3)	(4)
I.	Siruvani Project Circle	1	
	(a) Chitturpuzha—Moolathara		1
	(b) Kanjirapuzha Project		3
	(c) Karapuzha Project		1
	(d) Malampuzha Maintenance Division		1
II.	Project Circle, Calicut	1	
	(a) Kuttiadi Project		1
	(b) Attapadi Project		1
	(c) Beyporpuzha		1
III.	Project Circle, Pampa, Chengannur	1	
	(a) Pampa Project		3
	(b) Vamanapuram Project		1
IV.	Project Circle, Cannannore	1	
	(a) Pazhassi Project		3
	(b) Kakkadavu Project		1

(1)	(2)	(3)	(4)
V.	Muvatttupuzha Valley Irrigation Project Circle, Moovattupuzha	1	
	(a) Muvattupuzha Valley Irrigation Project		2
	(b) Periyar Valley Irrigation Project		2
	(c) Id: malayar Project		1
	(d) Meenachal River Valley Project		1
VI.	Kallada Irrigation Project	4	17
VII.	Chimony Dam Division		1
VIII.	Investigation Research and Planning Circle, Peechi	1	3
IX.	Coastal Erosion Studies Circle, Trichur	1	1
X.	Water Resources Circle, Trichur	1	
	Total	12	45

Circles and Divisions in Public Works Department

Roads and Bridges Branch

Sl. No.	*Name of Circle*	*Name of Divisions*
(1)	(2)	(3)
		Roads Division
I.	Roads and Bridges, South Circle, Trivandrum	(1) 1. Trivandrum 2. Quilon 3. Pathanamthitta 4. Alleppey 5. Kottayam 6 & 7 Special Bridges Divisions (2)
		Roads Division
II.	Roads and Bridges, Central Circle, Alwaye	(1). 1. Ernakulam 2. Idukki 3. Trichur 4. Palghat 5. Special Bridges Division (1)

(1)	(2)	(3)
		Roads Division
III.	Roads and Bridges, North Circle, Calicut	(1) 1. Manjeri 2. Calicut 3. Wynad 4. Cannanore 5. Kasargode 6. Special Bridges Division (1)
	Circles	3 Divisions : 18

Buildings and Local Works Branch

I.	Buildings, South Circle, Trivandrum	(1) 1. Buildings Division, Trivandrum 2. Buildings Division, Quilon 3. Buildings Division, Kottayam 4. Buildings Division, Pathanamthitta 5. Buildings Division, Alleppey 6. Local Works Division, Trivandrum 7. Local Works Division, Quilon 8. Local Works Division, Kottayam
II.	Buildings, Central Circle, Trichur	(1) 1. Buildings Division, Idukki 2. Buildings Division, Ernakulam 3. Buildings Division, Trichur 4. Buildin s Division, Palghat 5. Local Works Division, Ernakulam 6. Local Works Division, Trichur 7. Local Works Division, Palghat

(1)	(2)		(3)
III.	Buildings, North Circle, Calicut.	(1)	1. Buildings Division, Calicut 2. Buildings Division, Malappuram 3. Buildings Division, Wynad 4. Buildings Division, Cannanore 5. Local Works Division, Calicut 6. Local Works Division, Cannanore
	Special Division under Chief Engineer (Buildings and Local Works)		1. Legislative Complex Division
	Total Circles	3	Divisions : 22

ANNEXURE

REPORT OF THE COMMITTEE ON REORGANISATION OF PUBLIC WORKS DEPARTMENT

REORGANISATION OF THE PUBLIC WORKS DEPARTMENT

Introduction

Apart from its own role in the vital sectors of road communications, Public buildings, irrigation, navigation, flood control and coast protection, the Public Work Department also functions as a service department to many other department which have their large building programmes and to the local bodies in carrying out civil works and also in maintaining them. A large slice of the state plan expenditure is incurred through the works carried out by the P.W.D. Dissatisfaction about the working of the department has been expressed from time to time. The Estimates and Accounts Committees of the State legislature, the user department as well as local bodies have been complaining about long delays in designing, estimating and executing the works. There have been demands from major departments for the constitution of separate public works wings for them. The subjects Committee of the Legislature on Water and Power pointed out the weaknesses of the department in carrying out investigation of irrigation schemes and in preparing optimum designs and recommended a functional bifurcation of the department.

2. The officers of the PWD themselves have long been aware of serious deficiencies in the organisation of their department as is reflected in the proceedings of the seminars held by their association, one as early as in 1970 and the another again in 1979 both to focus attention on the crying need to reorganise the department. Numerous representations of their associations have pointed out the need for a strong wind of change to below over this organisation whose rules and modes of working have persisted almost unchanged from the colonial era. The scope of work of the department has vastly expanded since then and modern technological development have obliged the department to undertake works that can be done effectively and efficiently only by specialised cadres as in the construction of specialised buildings, housing settlements, roads and bridges and in irrigation and water resources projects and their management. The internal weaknesses arising out of an omnibus organisation lacking in specialisation have been compounded by the sanctioning of a large number of works by the department unrelated to the available resources, making it impossible for the Engineers of the department to follow any rational methods and procedures of implementation according to a time schedule. While the needs of the state's economy and of the departments are large, the real resources available for works programme have been either stagnent or have been going down steadily. Thus the entire public works programme of the Government is in the grip of a vicious circle.

3. The question of bifurcating the department into two, one for roads and buildings and the other for irrigation has been engaging the attension of Government for some time. Meanwhile Government decided that the question of recorganising roads and buildings wing of the Department which was also a matter pending decision, may be taken up and studied in depth by a Committee. In letter No. 29481/JI/79/PW. & E. dated 4-10-1982, Government constituted a Committee consisting of the CED and the Secretaries for Finance, PW and Water and Power as Members. Later, the CE (General), the CE (B&R), CE (Irrigation) and Shri N. A. Anandakrishnan, CE (Retd.) and presently Adviser to Government on Inter-state Waters and Irrigation Projects were also nominated to the committee. The committee was to examine all aspects relating to the proposal to reorganise the PWD based on norms of work load. A similar examination of the irrigation wing was also asked to be made.

4. The Committee requested the CEs to prepare factual reports of the present organisational set up, expenditure in the various divisions and the works handled by them for the years 1979-80, 1980-81 and 1981-82 indicating their jurisdication, for both the B & R and Irrigation branches. Simultaneously the Committee discussed the problems faced by the two branches of the department in its present organisation consisting of separate branches for roads and buildings, highways, irrigation, irrigation projects and local bodies besides three smaller specialised cadres for electrical, radio and mechanical work. The Committee has comprehensively examined the problems facing the department and all aspects of the reorganisation of the department.

5. The problems that were brought out during the discussions are briefly summed up below:—

(i) The department, though, organised in functional branches (except in the case of buildings) has no specialised cadres for manning them. Persons are freely and indiscriminately transferred between branches either on promotion or to fill up vacancies caused by other reasons or merely on request for personal reasons. This often results in Engineers with very little experience or even with no experience of work of one branch being posted to key positions or to senior posts in that branch. The general fall in quality and the deficiency in supervision and lackof direction noticed in the department is the direct result of this arrangement.

(ii) Work in the irrigation branch especially projects is of a specialised nature. Detailed investigation has to be made before irrigation works are undertaken. The investigation and execution of projects requires continuity of office amongst the Engineers connected with a project. The frequent changes of personnel and the transfer of Engineers from one branch to the other greatly affects the quality of work of irrigation projects. Major difficulties, and deficiencies have been noticed in the Pothundy, Kuttiadi and Kanjirapuzha Projects. Since large amounts of money are spent on irrigation projects it is necessary to ensure that the highest quality of technical attention is given to them.

(iii) It is becoming increasingly difficult to get the services of suitable and exerienced Engineers for irrigation works as many prefer softer posts in other branches. There are a number of vacancies often for long periods of time. Development of the area commanded is vital for the utilisation of the waters and for getting adequate returns from the capital invested in the projects but it has been found impossible to get the right people for this work.

(iv) "Buildings" is now grouped with roads and bridges in one branch of the department. "Building" is a distinct civil engineering discipline which has nothing in common with roads and bridges. Architecture, Housing and human settlements and specialised functional buildings like offices, schools, hospitals, industrial buildings, etc. constitute a group which requires special training and experience for their planning, lay out, and construction. The complaints frequently heard about the buildings constructed by the PWD are largely a result of the lack of realisation of the need for specialisation.

(v) Investigation work in all branches requires talented dedicated officers experienced in all aspects of that particular branch but the right persons are rarely available to take charge of such work. Since no incentives are given for work in this branch suitable persons even if posted in the branch do not stay for long. Increasingly suitable persons are not available as engineers are unwilling to undergo specialised postgraduate training in the absence of incentive and recognition. Atleast in the case of roads and buildings consultancy organisations are coming up outside the Goverment. Investigation of irrigation works in the entire responsibility of the Government. In the irrigation sector, in particular, the inadequacy of the existing arrangements for investigation are keenly felt and are affecting the quality of project reports and ultimately the costs and the benefits from projects. It is surprising, but nevertheless true, that even in the case of irrigation projects which are under construction, a considerable part of the investigation is still incomplete.

(vi) The same difficulties as those mentioned for investigation exist in the case of design and research. The reasons are also the same The design work is behind schedule for many years. These are the places in which the most creative work having major impact on the quality and economy of the works is to be done. The arrangements should be such that they are manned by brilliant engineers, but currently they are largely treated as unwanted posts with serious adverse affects on costs and benefits.

(vii) There is no effective inservice training for the departmental engineers today. There is not even a training for the engineers at the entry level to introduce them to the working to the department.

(viii) The overall technical calibre of the officers of the department has gone down considerably. There are only very few officers who can be called experts in any branch of engineering. The department does not get the benefit of the latest developments in engineering..

(ix) An unhealthy atmosphere prevails in the department today with officers who can wield influence manouvering into regular posts at district or state head quarters or into construction posts which are considered attractive.. Officers of real worth and integrity often find themselves pushed into comparatively unimportant posts. The morale of the officers has thus reached a low ebb today.

(x) Within the different branches work especially the divisional level, is not evently distributed so that some division have abnormally high work loads while others have subnormal work

loads. This results in a double loss in the form of unnecessary establishment expenditure on the one hand and the lack of supervision and work of poor quality on the other.

(xi) The works sanctioned by the Government and the different agencies are far in excess of the resources made available through the budgets. Rational methods of project management and implementation are rendered difficult and impossible and works are continued for years resulting in heavy cost overruns and long delays in completion. The estimated cost of roads under construction is over Rs. 75 crores (leaving out the vast numbers for whom only a token provision is made) while the annual budget provision is less than Rs. 15 crores. In the irrigation branch, the projects started over 20 years ago are still pending completion, even though the irrigation projects in this state are of smaller size compared to those on big rivers in the rest of India.

(xii) Implementation of rural work and works of local authorities suffers from many different weaknesses. On the one hand, many of them, for example, the works executed under the NREP are not properly supervised from a technical point of view. The preparation of proper estimates and the actual execution leave much to be desired, even though the expenditure on such works is higher than that of the roads wing of the PWD. On the other hand the creation of special wings or divisions or sub divisions to deal with works of local bodies or of scheduled castes or tribes has led to the paradoxical situation of the centres of decision making being far away from the location of these small works. There are instances of AEs or JEs having to travel 100 to 150 Kms. across districts to the place of construction of a small buildings.

6. The committee discussed in detail the possible solution to these problems. The report does not however cover all the aspects. It covers only the basic structural organisation that may be followed during the next few years and the work load of different divisions. It does not cover the very important steps that have to be taken in reorganising the investigation, design and research branches. This will require a separate study (and major changes in policies) which can be undertaken if so required by the Government. Similarly the Committee has also not studied the mechanical wing in detail. In the case of that wing even the basic facts about the type and number of equipments are not readily available. A modernisation of the mechanical branch is overdue and a separate study is necessary for that purpose.

7. The limited points covered by the Committee have themselves taken a long time. Apart from the complexity of the problems regarding the solutions for which different persons have different views and the time

taken for the discussion and resolution of the differences, the principal reason for the delay in the submission of this report was the frequent changes of the CEs. The short tenure of most of the CEs is one of the principal factors adversely affecting the working and improvement of the department, a subject which has been studies separately by the State Planning Board. The Committe is, however, happy that after detailed consideration and discussion, it has been possible for it to arrive at unanimous report.

General Structure and Organisation

8. The present organisational set up and strength in the B & R, Irrigation and Project branches of the Department are given in Annexure I. The workload of the B & R and Irrigation branches for a period of three years are given in Annexure II.

9. The Committee is convinced that a solution to the problems mentioned above does not lie in creating public works wings attached to certain departments, but in *functional specialisation*. Ultimately, specialised branches and cadres have to be built up for irrigation, buildings, roads and bridges, navigation, canals, coast, defence, etc., first as has already been creaed for Electricity, Public Health Engineering and Harbour Engineering. The branches which provide the physical infrastructures for transport, like highways, roads and bridges and navigation canals have to be coordinated with the respective modes of transport. All this will take time, but such arrangements will be necessary atleast by the turn of the century and the department should be prepared for and organise itself towards such changes.

10. The Committee is also convinced that *small works* like works of local bodies like Panchayats and Municipalities and rural works should be attended to within the district itself and that separate vertical agencies with state-wide jurisdiction are wasteful of time effort and resources.

11. The most urgent and overdue change in the general structure of the department is the bifurcation of the work and cadres of the irrigation branch and the Roads & Buildings branch. The solution lies in the formation of the Irrigation branch as a separate department. As a first step, for a period of one year from the date of decisions on this report, it is suggested that the work of the department be organised in two major wings, with persons assigned to each wing. The following procedure is suggested to be followed with immediate effect:—

(i) The existing general direction that AEs and AEEs, who have completed six years in one branch should be transferred out of that branch will be withdrawn forthwith ;

(ii) Option will be obtained from the staff in all the categories in the department for the "Irrigation Wing" or "Roads & Buildings Wing". If sufficient numbers in all categories do not opt to a particular wing, Government will decide on the allocation of persons to fill up the vacancies, on the

recommendation of a Committee of three CEs. While allotting a person to a particular branch, the Committee will take into acccount the specialisation, aptitude and seniority of the individual concerned ;

(iii) A person who has opted for a particular wing and is also working in that wing will not be transferred out of that wing, *under any circumstances* ;

(iv) Whenever vacancies arise in any one wing due to promotion, deputation, retirement or any other reason, it will be filled up only by persons who have opted for that wing, or have been assigned to that wing if need be by creating supernumerary posts.

12. The Irrigation wing will have a *Project branch* and a *General Irrigation branch*, which latter will, for the time being, continue to attend to inland water canals and coast protection also. Each of the branches may continue to be under a Chief Engineer's as at present.

13. The work of the "Roads & Buildings" wing may be organised in two branches Roads & Bridges Branch" and the "Buildings and Local Works branch". Transfer between these two branches need not be barred. However, Engineers who wish to specialise in one of the branches should be allowed to do so, by retaining them in that branch. The Buildings branch will have a Chief Engineer (Buildings) and will have either a Buildings Division and a 'Local Works Division' or one "Buildings and Local Works Division" (Please see para 15. below) in each district. The Roads & Bridges branch will be under a Chief Engineer (Roads & Bridges) and will have a division in each district, as also a few special divisions for major bridges.

14. The National Highways branch will have to continue separately, as at present, under a Chief Engineer.

15. In accordance with tho general approach of the Committee, the separate Local Bodies wing under a Chief Engineer is not recommended to be continued. But the Committee recognises that the local bodies require (and that it is in Government's own interests) engineering assistance from Government in implementing their works, as their financial capacity and the volume and non-regular nature of the works, do not enable them to have engineering units of their own. The existance of arrangements *in the P.W.D.* to attend to these works is essential. Simultaneously the technical supervision of works implemented through blocks and other rural works could also be attended to. The Committee, therefore recommends the following:

(i) Ultimately there will be a *division* in each district to attend to works of local bodies and works under Special Component Plan and Tribal Sub Plan, and the works executed through C. D. Blocks. These will be "Rural Works and Local bodies" Division.

(ii) For the time being, depending upon the workload (Please see below) there will be a division or subdivisions in each district. In districts in which there will be only subdivisions for the present, they will be part of a "Buildings & Local works Division".

Since almost all the works has to be done in the case of these works at the district level, there is no need for separate S. Es. or Chief Engineer. The Office of the Chief Engineer (Buildings) should be able to attend to the work at the headquarters. This is suggested because the only type of works which need go to Headquarters will be the estimate and design of a few bigger buildings.

WORKLOAD OF DIVISIONS

16. The Division is the basic implementing and accounting unit of the P. W. D. The workload of the different branches of the department should be determined in terms of the workloads of divisions. The works in all the branches can be broadly grouped as "concentrated large works", "Dispersed works" or "maintenance works" and for "Scattered small works" spread over the entire jurisdiction of the division. Making allowance for the different types of tworks, annual financial outlays fixed for a division would be a rough index of the workload of the division, Note should also be taken of the fact that the work of officers regarding accounts and audit, establishment matters, litigation, procurement of scarce materials like cement, giving safety certificates, attending meetings attending to complaints, and enquiries, accompanying ministers and senior officers, all take away a good slice of an engineer's working hours. Besides this, there has been a considerable increase in the paper work of the officers in sending returns and reports to higher officers as well as to other departments.

17. The Seminar on development and reorganisation of the P. W. D. held by the Association of engineers in 1979 had given recommendations on workload on the basis of detailed discussions. There have been two revisions of the schedule of rates since then, one in 1980 and another in 1982.

18. After taking in to account all these matters, the Committee recommends the following norms regarding the workload of Divisions of all branches:—

(i)	Divisions attending to "Concentrated" works	— Rs. 175 to Rs. 200 lakhs a year;
(ii)	Divisions attending to "Dispersed" works	— Rs. 125 to Rs. 150 lakhs a year;

and

(iii)	Divisions attending to "maintenance" works or "Scattered small" works	— Rs. 60 to 100 lakhs a year

Note: (a) The amounts indicated correspond to the schedule of rates of 1982;

(b) The Committee recommends that schedule of rates as well as workload of Divisions be revised once in *five* years only;

and

(c) Budget allocation for the year adjusted to the general rate of inflation will be the basis for adjusting the workload.

19. On an average, each division will have three subdivision and each svbdivision three sections.

20. Taking the budget and expenditure for the year 1982-83, the number of divisions etc in the *Buildings and Roads Branch*, on the basis of the above norms will be:—

Budget	—	Rs. 5052.41 lakhs
Expenditure	—	Rs. 5104.73 lakhs
For concentrated work (Legislature complex)	—	Division
For others	—	32 Divisions
Total	—	33 Divisions
Subdivisions	—	99-say, 100.
Sections	—	297-say, 300.

21. In the case of the Irrigation wing, the major works in irrigation projects, anti sea erosion works and on regulators are all "concentrated" works. Regarding these works also, the work load for a division may be the same as for the concentrated works suggested earlier, with 6 to 9 months of preparation time and 6 to 9 months of winding up time. For the distributaries and branch canals the standard may be the same for dispersed works. For minor canals and field bothies the standard may be the same as for scattered small works.

22. Regarding the maintenance of irrigation projects, a proper pattern is yet to emerge. A district with maximum development in this regard is Palghat where earlier there was only a maintenance division at Malampuzha. Now Chitturpuzha Project Division is also handling maintenance of works. The Committee feels that the appropriate pattern based on experience of Malampuzha would be 10,000 hectares of project maintenance to be in charge of a subdivision, with 4 subdivisions forming a division. This would mean that in Palghat there will have to be two maintenance divisions. Ultimately, in the case of other projects, maintenance divisions may be organised on this basis with marginal adjustments necessary to have a set up for the management of the river valley as a hole.

23. In the case of minor irrigation works, the set up has been organised more or less on a territorial basis with divisions in all districts except new districts. This territorial set up may continue, a new division being formed when the work load reaches the level for that of scattered works

mentioned above, viz. Rs. 60 to 100 lakhs a year. The normal set up for a division may be 4 sub divisions with 3 sections under each sub division.

Proposed strength of different wings and branches

IRRIGATION WING

24. **General Irrigation Branch.**—There are at present 6 circles and 24 divisions in this branch as follows:

Under Minor Irrigation there are 2 circles and 10 divisions; under general irrigation there are 3 circles and 8 divisions. In addition, there are 3 investigation divisions for ground water/surface water investigation. On the basis of the volume of work and the norms recommended above, the following will be the stength of this branch:—

(i) Under minor irrigation the 2 circles and 10 divisions may continue. M.I. works in Idukki District will be attended to by the division at Kottayam, those in Pathanamthitta district by the division at Chengannur and those at Wynad by the division at Calicut.

(ii) Under general irrigation also, the existing 3 circles and 8 divisions have to continue. MI division Ernakulam is now attending to MI and irrigation works and the work load is around Rs. 200 lakhs. On the other hand, Champakara Canal division in Ernakulam district does not have much work. Therefore the irrigation works under MI division, Ernakulam may be transferred to the Champakara Canal division which may be re-designated as Irrigation Division, Ernakulam.

(iii) The experience of the 3 investigation divisions shows that the works are not of such a nature justifying their continuance. Though 50 per cent of the establishment cost of these divisions is now met by the GOI, this will become committed expenditure shortly. The work now being done by these divisions can be done by one sub division in each district under the respective MI division. These 3 divisions may therefore be abolished.

(iv) The one circle and 2 divisions in the mechanical wing at Alleppey and Malampuzha may continue as at present until a detailed study is made of the mechanical divisions of all branches of the P.W.D.

(v) The division at Thanneermukkom may be abolished since there is not much work there.

25. As a result of these recommendations, 4 divisions will be abolished in the general irrigation branch and the strength of the branch will be 6 circles 20 divisions. The details are given in statement I in annexure III.*

26. **Project Branch** — There are at present 12 circles and 47 divisions. The committee has considered the need for continuance of the circles and divisions on the basis of the balance of work to be done on each project. The committee finds that with immediate effect the number of divisions can be reduced to 43, also as and when the old irrigation projects like Kuttiadi, Pamba and Periyar Valley are getting completed in the next two years, some more divisions are to be either abolished or redeployed depending upon the availability of resources for new projects. The details of the projects, the existing circles and the divisions which can be abolished immediately and those that can be abolished/ redeployed in the next two years are given in statement II in Annexure III. *

Roads & Buildings Wing

27. In the roads and buildings branch, there are at present 4 circles including an investigation and planning circle and 27 divisions. In addition there are 3 divisions under a CE (upgraded from S E) in the local bodies wing. The rural development board has also a division attending to works that are financed by the Board in Panchayats. The Committee has considered the details of the strength necessary in the roads and bridges branch and the buildings and local works branch, taking into account the norms regarding workload recommended above and the requirements in district. The following strength is recommended :

Roads and Bridges branch

There may be a division in each of the 13 districts. In addition there may be 4 special divisions for major bridges. The total number of divisions under this branch will thus be 17.

Buildings and Local Works Branch

In addition to the Legislative Complex at Trivandrum, for which there is need for one division, there may be a division each for buildings and local works separately in 8 districts. In 5 districts, (Pathanamthitta, Alleppey, Idukki, Malappuram and Wyriad), there may be a single buildings and local works division. Thus there will be 22 divisions in all in this branch.

28. The investigation and Planning circle, Trichur may be abolished as there is no need for such a circle. To the 4 circles in this wing and the one in the local Bodies Branch, one more circle may be added and the six circles may then be rearranged as 3 circles for roads and bridges branch and 3 circles for the buildings and local works branch.

29. The mechanical divisions will continue as at present.

30. Thus, as regards the roads and buildings wing, there will be 6 circles and 39 divisions in two separate branches in the place of the existing 5 circles (including the Local Bodies' circle) and 31 divisions.

31. The details of the existing circles and divisions and the proposed circles and divisions in the two branches of this wing are given in statement III of Annexure III.*

32. As a result of the recommendations of the Committee regarding the proposed strength of the different wings and branches, there will be no net addition or reduction in the number of divisions in the department as a whole. There will be an addition of one circle in the buildings and local works Branch. There will be a reduction of two posts of Chief Engineers.

(Sd.) Chief Engineer (General)	(Sd.) Secretary (PWD)
(Sd.) Chief Engineer (B & R)	(Sd.) Secretary (W&P)
(Sd.) Irrigation Adviser	(Sd.) Secretary (Fin. Exp.)
Trivandrum. 21-3-1984.	(Sd.) *Commissioner for Economic Development.*

*Annexuries not included.

GOVERNMENT OF KERALA

Home (C) Department

NOTIFICATION

G. O. Ms. No. 123/84/Home. *Dated, Trivandrum, 4th September, 1984.*

S.R.O. No. 1150/84.—In exercise of the powers conferred by Article 234 of the Constitution of India, the Governor of Kerala is pleased to appoint the following two candidates as Munsiffs in the Kerala Civil Judicial Service.

(1) N. Prabhakara Sarma, Thamaramangalam, Keezhcherimel, Chengannur, Alleppey

(2) P. N. Bhaskaran Thampan, Temporary Munsiff, Payyoli, Meladi P. O.

By order of the Governor,
N. KALEESWARAN,
Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

The Registrar of High Court has reported that Shri K. Thankappan Pillai, Anil Villa, V/230/NLP, Narakkal P. O. one of the candidates appointed as Munsiff expired on 1-2-1984. Another candidate Shri T. V. Mathews, Thanelimalil House, Mathala P. O. has relinquished his appointment. It has become necessary to appoint two persons in the place of Shri Thankappan Pillai and Shri T. V. Mathews. The notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Agriculture (Co-operation-C) Department

NOTIFICATION

No. 81889/GC3/83/AD. *Dated, Trivandrum, 29th August* 1984.

S. R. O. No. 1151/84.—Whereas under subsection (1) of section 59 of the Kerala Co-operative Societies Act, 1969 (21 of 1969), a society shall not make loan to any person or a society other than a member;

And whereas under rule 57 of the Kerala Co-operative Societies Rules, 1969, no society shall enter into any transactions with a person other than a member;

And whereas the Kerala State Co-operative Rubber Marketing Federation Limited, Ernakulam has proposed to advance loans to its employees for purchase of vehicles;

And whereas the employees of the Kerala State Co-operative Rubber Marketing Federation Limited are not members of the said Federation;

And whereas the Kerala State Co-operative Rubber Marketing Federation Limited has stated that it is necessary to issue such advances to its employees so as to enable them to attend office punctually and to discharge their duties more satisfactorily;

And whereas such advances shall be made subject to Rules framed by the Federation and subject to the approval by the Registrar of Co-operative Societies;

And whereas the Registrar of Co-operative Societies has requested the Government to exempt the said Federation from the provisions of subsection (1) of section 59 of the Kerala Co-operative Societies Act, 1969 (21 of 1969), and rule 57 of the Kerala Co-operative Societies Rules, 1969, for the limited purpose of advancing loans to its employees for the purchase of vehicles subject to the above conditions;

And whereas the Government are satisfied that it is necessary, in public interest, to exempt the said Federation from the provisions of subsection (1) of section 59 of the Kerala Co-operative Societies Act, 1969 (21 of 1969) and rule 57 of the Kerala Co-operative Societies Rules, 1969;

Now, therefore, in exercise of the powers conferred by section 101 of the Kerala Co-operative Societies Act, 1969 (21 of 1969), and rule 181 of the Kerala Co-operative Societies Rules, 1969, the Government of Kerala hereby exempt the Kerala State Co-operative Rubber Marketing Federation Limited, from the provisions of subsection (1) of section 59 of the said Act and rule 57 of the said Rules for the limited purpose of advancing

loans to its employees for the purchase of vehicles, subject to the rules framed by the said Federation and subject to the approval by the Registrar of Co-operative Societies.

By order of the Governor,
M. R. Vasudevan Pillai,
Additional Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

The Kerala State Co-operative Rubber Marketing Federation has formulated a scheme for advancing loans to its employees for the purchase of vehicles. As the loans are intended to be given to employees who are not members of the Federation and as per subsection (1) of section 59 of the Kerala Co-operative Societies Act, 1969 and rule 57 of the Kerala Co-operative Societies Rules, 1969 a society shall not make any loan to person other than members and a society shall not enter into any transaction with a person other than a member, exemption from the said provisions of the said Act and Rules is necessary. This notification is intended to achieve the above object.

Kerala Gazette No. 40 dated 9th October 1984.
PART I Section iv



GOVERNMENT OF KERALA

Abstract

KERALA TREASURY CODE VOLUME I—AMENDMENT TO RULE 102 (e) ORDERS ISSUED

FINANCE (S.L.) DEPARTMENT

G. O. (P) No. 536/84/Fin. Dated, Trivandrum, 20th September 1984

Read:—1. Letter No. Co-ordn. III/12-5/77/1569 dated 17-9-1983 from the Accountant General.

2. Letter No. E1-15859/83 dated 24-11-1983 from the Director of Treasuries, Kerala.

NOTIFICATION

S. R. O. No. 1152/84.—In exercise of the powers conferred by clause (2) of article 283 of the Constitution of India, the Governor of Kerala hereby makes the following rules further to amend the Kerala Treasury Rules, namely:—

RULES

C. S. No. 5/84/Fin. Dated, Trivandrum, 20th September 1984.

1. *Short title and commencement.*—(i) These rules may be called the Kerala Treasury (Amendment) Rules, 1984.

(ii) They shall come into force at once.

2. *Amendment of the rules.*—In the Kerala Treasury Rules, in sub-rule (e) of rule 102, for the last paragraph excluding the Note thereunder the following paragraph shall be substituted, namely:—

"Remittances representing recoveries of expenditure previously debited to expenditure heads (Revenue Account) will be exhibited direct under the service heads concerned as reduction of expenditure irrespective of whether they relate to over-payments pertaining to the current year or to any previous year".

By order of the Governor,
JOSEPHINE ANNE CLARANCE,
Additional Secretary to Government (Finance).

Explanatory Note

(This note is not part of the amendment, but is intended to indicate its general purport.)

The rules for the classification of recoveries of over-payments as embodied in Article 22 of Account Code Volume IV, have been amended by the Government of India. This order is issued for amending the corresponding provisions in the Kerala Treasury Rules.

To

The Accountant General (A & E), Kerala, Trivandrum.
The Accountant General (Audit), Kerala, Trivandrum.
The Director of Treasuries, Trivandrum.
All Departments (all sections) of the Secretariat.
All Heads of Departments and Offices
The Secretary, Kerala Public Service Commission, Trivandrum (with C. L.)
The Registrar, High Court of Kerala, Ernakulam (with C. L.)
The Registrars, Universities of Kerala, Calicut, Cochin
The Registrar, Kerala Agricultural University, Trichur (with C. L.)
The Advocate General, Ernakulam
The Secretary, Kerala State Electricity Board, Trivandrum (with C.L.)
The General Manager, Kerala State Road Transport Corporation, Trivandrum
The Secretary to Governor
All Private Secretaries to the Chief Minister and other Ministers.
The Stenographers to the Chief Secretary and additional Cheif Secretary.



GOVERNMENT OF KERALA

General Education (J) Department

NOTIFICATION

G. O. (P) No. 176/84. *Dated, Trivandrum, 27th August* 1984.

S.R.O. No. 1153/84.—In exercise of the powers conferred by Section 36 of the Kerala Education Act, 1958 (6 of 1959), the Government of Kerala hereby make the following rules further to amend the Kerala Education Rules, 1959, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Education (Amendment) Rules, 1984.

(2) They shall be deemed to have come into force on the 15th day of June 1983.

2. *Amendment of the Rules.*—In the Kerala Education Rules, 1959,—

(i) in Chapter XIV (A).—in rule 34, for the words "in the prescribed form" the words "in Form ii A" shall be substituted;

(ii) after Form ii the following Form shall be inserted, namely:—

FORM ii A

[*See* rule 34 Chapter XIV (A)]

Name of Educational Agency :

Seniority List of Teachers belonging to Primary/Upper Primary/Secondary School as on..........................

Serial Number	Name of Teacher	Date of birth	Qualification specifying date of acquisition or as in Service Book			Date of 1st appointment under the management	Designation	Name of School working	Date of commencement of continuous service under the Management in the present grade	Pay and scale of pay	Rules opted	Signature of teacher	Remarks
			General (Additional if any) (1)	Professional (Additional if any) (2)	Special (3)								
(1)	(2)	(3)		(4)		(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Place :
Date :

Signature of the Manager.

Orders of the Educational Officer

By order of the Governor

K. J. ALPHONS,

Deputy Secretary to Government

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

According to rule 34 of Chapter XIV (A) KER, every management shall prepare and maintain the seniority list of teachers in the prescribed form. But no form for this purpose has been prescribed under this rule. The present amendment is to prescribe the form as envisaged under the Rule..

GOVERNMENT OF KERALA

Higher Education (E) Department

NOTIFICATION

G. O. MS. No. 254/84/H. Edn. *Dated, Trivandrum, 17th September* 1984.

S.R.O. No. 1154/84.—In exercise of the powers conferred by sub-section (1) of section 4 of the Charitable Endowments Act, 1890 (Central Act 6 of 1890), the Government of Kerala hereby order that the property specified in column (2) of the Schedule appended herewith belonging to the Endowment mentioned in column (1) thereof, shall be vested with the Treasurer of Charitable Endowments, Kerala, and under subsections (1) and (3) of section 5 of the said Act, the Government of Kerala hereby settle the following Scheme for the administration of the said property, the same having been previously published under rule 3 of the Charitable Endowments (Kerala) Rules, 1966, and appoint the date of publication of this notification to be the date on which the said Scheme shall come into operation, namely:—

SCHEME

1. This Endowment shall be called "Professor C. L. Antony Endowment".

2. The Corpus of the Endowment shall consist of Rs. 3,000 (Rupees three thousand only) and shall be vested with the Treasurer of Charitable Endowments, Kerala.

3. The Corpus of the Endowment shall be invested in any long term securities of the Government of India or the Government of Kerala or in any other securities approved by the Government of Kerala.

4. The Principal, Maharaja's College, Ernakulam shall be the Administrator of the fund.

5. The annual interest accruing on the fund shall be utilised during the succeeding year for awarding a prize in cash to a student of the Maharaja's College, Ernakulam who secure the highest number of marks in Part III Malayalam in the B.A., Degree Examination of any of the Universities in Kerala in the first attempt.

6. If, in any year two or more pupils secure the same highest number of marks in Part III Malayalam of the B.A., Degree Examination then the student who gets the highest number of marks among them in Part II Malayalam shall be given the prize.

7. If two or more pupils secure the highest number of marks both in Part III Malayalam and Part II Malayalam, then the amount shall be divided equally among them and the prizes awarded accordingly.

8. Requisition for payment of annual interest shall be sent by the Administrator at any time not later than two months before the date fixed for the award of prize and the Treasurer of Charitable Endowments, shall thereupon arrange to place the annual interest at the disposal of the Administrator.

9. If the interest is not utilised as provided in clause 5, or any balance is left after awarding the prize such amount shall be added on to the corpus of the fund by the Treasurer unless its payment is allowed in exceptional cases on the specific recommendation of the controlling authority specified in clause 10.

10. If any doubt or dispute arises regarding the meaning or interpretation of the Scheme, it shall be referred to the Director of Public Instruction, whose decision thereon shall be final.

SCHEDULE

Name of Endowment	*Details of Property*
(1)	(2)
"Prof. C. L. Antony Endowment"	Rs. 3,000 (Rupees Three thousand only)

By order of the Governor,

P. K. GANGADHARAN,

Joint Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Principal, Maharaja's College, Ernakulam wishes to institute an Endowment by name Professor C. L. Antony Endowment in Maharaja's College, Ernakulam. A preliminary notification regarding this has been published in the Kerala Gazette dated the 24th July 1984. Now the Government have accepted the Endowment for institution and hence this notification.

GOVERNMENT OF KERALA

Higher Education (E) Department

NOTIFICATION

G. O. MS. No. 253/84/H. Edn. *Dated, Trivandrum, 15th September* 1984.

S. R. O. No. 1155/84.—In exercise of the powers conferred by sub-section (1) of section 4 of the Charitable Endowments Act, 1890 (Central Act 6 of 1890), the Government of Kerala hereby order that the property specified in column (2) of the Schedule appended herewith belonging to the Endowment mentioned in column (1) thereof, shall be vested with the Treasurer of Charitable Endowments, Kerala, and under sub-sections (1) and (3) of section 5 of the said Act, the Government of Kerala hereby settle the following Scheme for the administration of the said property, the same having been previously published under rule 3 of the Charitable Endowments (Kerala) Rules, 1966, and appoint the date of publication of this notification to be the date on which the said Scheme shall come into operation, namely:—

SCHEME

1. This Endowment may be called "Mundur High School Silver Jubilee Memorial Endowment Fund".

2. The Corpus of the Endowment shall consist of Rs. 6,000 (Rupees Six thousand only) and shall be vested with the Treasurer of Charitable Endowments, Kerala.

3. The Corpus of the Endowment shall be invested in any long term securities of the Government of India, or the Government of Kerala or in any of the securities approved by the Government.

4. The Headmaster, Mundur High School shall be the Administrator of the Fund.

5. There shall be an advisory committee consisting of the following members:—

1. Headmaster of the Mundur High School, 2. Manager of the Mundur High School, 3. Two representatives from the staff of the Mundur High School, 4. President of the Parent Teachers Association of the Mundur High School, 5. Village Officer of Mundur Village 6. Panchayat President of Mundur Panchayat. The Headmaster is to be the Convener of the Advisory Committee.

6. The annual interest accruing on the Fund shall be utilised during the succeeding year for awarding financial help to 2 pupils in each division from Vth standard to Xth standard of the Mundur High School who will not get any other financial aids.

7. The Financial help shall be given on any day in the academic year as decided by the Advisory Committee. The Selection of students for the award of prizes shall be done by the advisory committee. The quorum of the Committee shall be 4.

8. Applications shall be called for from the poor students in Standards V to X during the month of June every year and from those the committee shall select the most deserving pupils for awarding the financial aids.

9. The requisition for the payment of annual interest shall be sent by the Administrator at any time not later than 2 months prior to the date fixed for the award of the Financial help and the Treasurer of Charitable Endowments, shall thereupon arrange to place the annual interest at the disposal of the Administrator.

10. If the interest is not utilised as provided in clauses 6 to 8 or if the Financial assistance is not awarded owing to the non-availability of suitable candidates or for any other reason or any balance left after awarding the Financial assistance such amount shall be added on to the corpus of the fund by the Treasurer of Charitable Endowment, unless its payment is allowed by the Treasurer in exceptional cases on the specific recommendation of the Controlling authority specified in clause 11 of the scheme.

11. If any doubt or dispute arises regarding the meaning or interpretation of this scheme, it shall be referred to the Director of Public Instruction, whose decision thereon shall be final.

SCHEDULE

Name of Endowment	*Details of Property*
(1)	(2)
"Mundur High School Silver Jubillee Memorial Endowment Fund".	Rs. 6,000 (Rupees Six thousand only)

By order of the Governor,

P. K. GANGADHARAN,

Joint Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

The Executive Committee of the Mundur High School Silver Jubilee Celebrations wishes to institute an Endowment by name Mundur High School, Silver Jubilee Memorial Endowment Fund" in Mundur High School, Mundur, Palghat. A Preliminary notification regarding this has been published in the Kerala Gazette dated the 31st July 1984. Now the Government have accepted the Endowment for institution and hence this notification.

GOVERNMENT OF KERALA

Local Administration and Social Welfare (G) Department

ERRATUM

No. 29785/G3/84/LA & SWD. *Dated, Trivandrum, 20th August* 1984.

S.R.O.No.1156/84.—In the Kerala Development Authorities Rules, 1984 issued under G. O. (Ms.) No. 22/84/LA & SWD dated the 31st January, 1984 and published as S.R.O. No. 102/84 in the Kerala Gazette Extraordinary No. 82 dated the 31st January 1984, in rule 31, between the words "provision of Parts 1 & 11 of the Kerala Service Rules, the" and the word "service" occurring in the said rule, the following words shall be inserted namely:—"Kerala State and Subordinate Service Rules, 1958, the Kerala Civil".

By order of the Governor,

S. SUBRAMONIAN,

Deputy Secretary to Government.

G. 3957

217004

Kerala Gazette No. 40 dated 9th October 1984.
PART I **Section iv**

GOVERNMENT OF KERALA

Revenue (B) Department

NOTIFICATION

No. 47664/B1/84/RD. *Dated, Trivandram, 21st September* 1984.

S R.O. No. 1157/84.—In exercise of the powers conferred by clause (3) of section 2 of the Kerala Land Acquisition Act, 1961 (21 of 1962), the Government of Kerala hereby appoint the special Tahsildar, Land Acquisition, Kasaragod to perform the functions of a Collector under the said Act within the Kasaragod Revenue Division, comprising of Kasaragod and Hosdurg Taluks and undersub section (2) of section 3 of the said Act authorise him, his servants and workmen to exercise the powers conferred by the said subsection in respect of any land within his jurisdiction for the acquisition of which a notification under sub section (1) of section 3 of the said Act has been published.

By order of the Governor,

SARALA GOPALAN,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to clarify its general purport.)

As per G.O. (Rt) No. 910/84/RD dated 16-6-1984 Government have sanctioned a special Land Acquisition, Unit headed by a Special Tahsildar at Kasaragod for attending to Land Acquisition works for Kasaragod Division. In order to enable the Special Tahsildar to initiate Land Acquisition proceedings he has to be authorised to perform the functions of a Collector under the Kerala Land Acquisition Act, 1961.

The notification is intended to achieve the above object.

G. 1549



GOVERNMENT OF KERALA

Taxes (D) Department

NOTIFICATION

G. O. (P) No. 146/84/TD. *Dated, Trivandrum, 14th September* 1984.

S. R. O. No. 1158/84.—In exercise of the powers conferred by subsection (1) of section 2 of the Kerala Public Service Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following further amendment to the Special Rules for the Kerala Agricultural Income-tax and Salestax Subordinate Service, issued under G. O. Ms. No. 525/Public (Rules) Department, dated the 11th October, 1962 and published in Part I of the Kerala Gazette No. 42 dated the 23rd October, 1962, namely :—

AMENDMENT

In the said Rules, in rule 8, for the item "(3) Secretariat Manual Test", the following item shall be substituted, namely:—

"(3) Secretariat Manual Test or Test in the Manual of Office Procedure"

This amendment shall be deemed to have come into force with effect on and from the 14th January 1963.

By order of the Governor,

U. MAHABALA RAO,

Commissioner and Secretary to Government.

Explanatory Note

(This note does not form part of the notification, but is intended to indicate its general purport.)

As per Rule 8 of the Special Rules issued for the Kerala Agricultural Income-tax and Salestax Subordinate Service in G. O. Ms. No. 525/Public (Rules) Department dated 11-10-1962, any person appointed to the service by direct recruitment shall within the period of probation pass "Secretariat Manual Test" along with the Account Test (Lower)—4 papers and

Agricultural Income-tax and Salestax Tests-3 papers. But as per the orders contained in G. O. (P) 22/Public (Services-D) Department dated 14-1-1963 the M. O. P. test is being followed in the Agricultural Income-tax and Salestax Department. No amendment has been made to the Special Rules in this regard. A good number of directly recruited Assistant Sales-tax Officers have passed Secretariat Manual test as per the provisions contained in the Special Rules. As also a good number of directly recruited Assistant Salestax Officers have passed M. O. P. Test instead of Secretariat Manual Test in the light of the provisions contained in G. O. (P) 22/Public (Services-D) Department dated 14-1-1963. In order to treat both the above two categories of officers as having passed the required test, it is found necessary to amend Rules 8 of the Special Rules issued for the Kerala Agricultural Income-tax and Salestax Subordinate Service substituting 'Secretariat Manual Test or M. O P. Test' for 'Secretariat Manual Test' alone with retrospective effect from 14-1-1963. This notification is intended to achieve the above object.

To

The Secretary, Board of Revenue (Taxes) Trivandrum
The Secretary, Kerala Public Service Commission (with C. L.)
The Accountant General, Kerala, Trivandrum
The General Administration (Services-B) Department
The General Administration (SC) Department



GOVERNMENT OF KERALA

Taxes (D) Department

NOTIFICATION

G.O. (P) No. 147/84/TD. *Dated, Trivandrum, 15th September* 1984.

S.R.O. No. 1159/84.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), read with section 3 thereof, the Government of Kerala hereby make the following further amendment to the Special Rules for the Kerala Agricultural Incometax and Salestax Subordinate Service, issued under G. O. Ms. No. 525/Public (Rules) Department dated the 11th October, 1962 and published in Part I of the Kerala Gazette No. 42 dated the 23rd October, 1962, namely:—

AMENDMENT

In the said rules, in rule 8, for item "(3) Secretariat Manual Test or Test in the Manual of Office Procedure", the following item shall be substituted, namely:—

"(3) Test in the Manual of office Procedure"

This amendment shall come into force at once.

By order of the Governor,

U. MAHABALA RAO,

Commissioner and Secretary to Government.

Explanatory Note

(This note does not form part of the notification but is intended to indicate its general purport).

As per Rule 8 of the Special Rules issued for the Kerala Agricultural Incometax and Salestax Subordinate Service in G. O. Ms. No. 525/Public (Rules) Department dated 11-10-1962, any person appointed to the service by direct recruitment shall within the period of probation pass 'Secretariat Manual Test' or M. O. P. along with the Account Test (Lower)—4 papers and Agricultural Income tax and Salestax Tests—3 papers. But as per the orders contained in G. O. (P) 22/Public (Services-D) Department dated 14-1-1963 the test in M. O. P. is being

followed in the AIT & ST Department. But no amendment has been made to the Special Rules in th s regard. It is therefore necessary to amend the Rule 8 of the Special Rules issued for the Kerala Agricultural Incometax and Salestax Subordinate Service by substituting M.O.P. test for Secretariat Manual test. This notification is intended to achieve the above object.

To

The Secretary, Board of Revenue (Taxes), Trivandrum
The Secretary Kerala Publio Service Commission (With C.L.)
The Accountant General, Kerala, Trivandrum
The General Administration (Services-B) Department
The General Administration (SC) Department

GOVERNMENT OF KERALA

Transport (C) Department

NOTIFICATION

No. 21736/TC2/83/TF&P. *Dated, Trivandrum, 17th August 1984.*

S. R. O. No 1160/84.—Whereas representation has been received by Government from the Stage Carriage Operator Shri Kumar Sundaram, Akkara, Thekkethil Veedu, Pattathanam, Quilon that the arrears of vehicle tax for the quarter ended on the 30th June, 1983 and 30th September, 1983 in respect of the Stage Carriage bearing Registration Number KLU 7895 could not be remitted within the prescribed period due to financial strain and that permission may be granted to remit the arrears of vehicle tax in respect of this vehicle in monthly instalments;

And whereas, the Government are convinced that circumstances existed that the operator of the said stage carriage could not remit the arrears of vehicle tax in respect of the said stage carriage ordinarily kept for use in the State for the quarter ended on the 30th June, 1983 and 30th September, 1983 due to financial strain;

And whereas, the Government are convinced that non-operation of the said stage carriage due to non-payment of tax would cause great inconvenience to the travelling public;

And whereas, the Government consider it necessary in public interest to permit the stage carriage operator to remit one third of the arrears of vehicle tax for the quarter ended on the 30th June, 1983 and 30th September, 1983 in respect of the said stage carriage on or before 5th August, 1983 and the balance amount in ten equal monthly instalments;

Now, therefore, in exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), read with rule 5 of the Kerala Motor Vehicles Taxation Rules, 1975, the Government of Kerala hereby order that one third of the arrears of vehicle tax for the quarter ended on the 30th June, 1983 and 30th September, 1983 in respect of the said stage carriage ordinarily kept for use in the State shall be paid on or before 5th August 1983 and the balance amount in ten equal monthly instalments commencing from 1st September, 1983 together with additional tax payable under section 12 of the Kerala Motor Vehicles Taxation Act, 1976 read with the Notification (5) No. 33942/TC2/75-3/PW. dated the 29th September, 1975 published as S. R. O. No. 876/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975.

By order of the Governor,
V. A. Augustine,
Additional Secretary to Government.

Explanatory Note

(This is not part of the notification, but is intended to indicate the main purpose of the issue of the notification).

Government have received representation from the Stage Carriage Operator as shown in the notification requesting instalment facility for payment of vehicle tax for the quarter ended on the 30th June, 1983 and 30th September, 1983, due to financial strain;

Government are convinced of the position and in public interest grant instalment facility for payment of tax as otherwise the vehicle might be put out of operation for non-payment of tax causing great inconvenience to the travelling public.

Government of Kerala
1984



Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Labour (B) Department

NOTIFICATION

G.O. Rt. No. 1332/84/LBR. *Dated, Trivandrum, 9th October* 1984.

S. R. O.No 1164/84.—In exercise of the powers conferred by sub section (2) of section 8 of the Factories Act, 1948 (Central Act 63 of 1948), and in supersession of Notification No. G.O. (Rt.) 555/83/LBR dated the 24th May, 1983 published as S.R.O. No. 629/83 in the Kerala Gazette Extraordinary No. 543 dated the 24th May, 1983 notification No. G.O. (Rt.) No. 1515/83/LBR dated the 29th December, 1983 published as S.R.O. No. 1795/83 in the Kerala Gazette Extraordinary No. 1554 dated the 31st December, 1983 and notification No. G.O. (Rt.) 1089/84/LBR dated the 13th August, 1984 published as S.R.O. No. 939/84 in the Kerala Gazette Extraordinary No. 726 dated the 13th August, 1984, the Government of Kerala hereby appoint Shri R. Ramachandran Nair, Joint Director of Factories and Boilers, Office of the Director of Factories and Boilers, Trivandrum to be the Chief Inspector for the purposes of the said Act.

By order of the Governor,

U. MAHABALA RAO,

Commissioner and Secretary to Government.

33/4095/S.

P. T. O.

Explanatory Note

(This does not form part of the notification but is intended to explain the general purport).

The post of Director of Factories and Boilers is lying vacant and it will take some more time to fill up the same. In order to avoid the difficulties in implementing the Factories Act, 1948 for want of a person as Chief Inspector under the Act, it has been decided to appoint Shri R. Ramachandran Nair, Joint Director of Factories and Boilers, Office of the Director of Factories and Boilers as Chief Inspector in the meanwhile. The notification is intended to achieve the above object.

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Government of Kerala
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GOVERNMENT OF KERALA

Transport (H) Department

DECLARATION

No. 6871/H2/84/Tr.D. *Dated, Trivandrum, September* 1984.

S.R.O. No. 1165/84.—Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution of India, the President has in Notification No. 2/4/63/Judl.II dated 31st May, 1963, entrusted the Government of Kerala, with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962), in relation to the acquisition of lands for the purpose of the Union in the State of Kerala;

And whereas, under subsection (1) of section 3 of the Kerala Land Acquisition Act, 1961 (21 of 1962) Notification No. 24710/TB2/81/TF&P dated 29th September 1981 in respect of the lands specified in the scheduled below have been published as S.R.O. No. 1167/81 in the Kerala Gazette Extraordinary No. 796 dated the 14th October, 1981;

And whereas, under subsection (4) of section 19 of the said Act the Government of Kerala have directed that in view of the urgency of the case, the provisions of section 5 of the Act shall not apply to the land specified in the schedule below;

33/4096/84/B.

And whereas, the Government of Kerala are satisfied that the said lands have to be acquired for a public purpose;

Now, therefore, the Government of Kerala hereby declare under section 6 of the Act that the lands specified in the schedule below and measuring 1.0036 Hectares be the same a little more or less are needed for a public purpose, to wit for the construction of Ernakulam-Alleppey Broad Guage Railway line and under section 7 of the said Act direct the Special Tahsildar (Land Acquisition) Railways, Shertalai to take order for the acquisition of the lands. Further, under subsection (1) of section 19 of the said Act, the Government direct that the Collector may take possession of the lands on the expiry of fifteen days from the date of publication of the notice mentioned in subsection(1) of section 9 of the said Act.

A plan of the lands is kept in the office of the Special Tahsildar, (Land Acquisition) Railways, Shertalai and may be inspected at any time during office hours.

SCHEDULE

District—Alleppey. Taluk - Shertalai.

Village– Aroor.

(Block No. 14)

(The extent given is approximate)

Sl. No.	*Survey No*	*Description*	*Extent in hectares*
(1)	(2)	(3)	(4)
1.	273/17/B12	Dry	0.0355
2.	273/17/B9	,,	0.0255
3.	273/17/B8	,,	0.0060
4.	273/17/B10	,,	0.0006
5.	273/17/A11	,	0.0025
6.	273/17/A14	,	0.0250
7.	273/17/A13	,,	0.0860
8.	273/17/A13	,,	0.0375
9	273/17/A17	,,	0.0210
10.	273/17/A18	,,	0.0048
11.	296/2/4	Wet	0.0283
12.	296/3/3	Dry	0.0525

(1)	(2)	(3)	(4)
13.	296/4/5	Dry	0.0135
14.	296/4/7	"	0.0200
15.	296/4/9	"	0.0175
16.	296/3/3	"	0.0440
17.	296/38/5	"	0.0067
18.	296/38/6	"	0.0155
19.	296/39/7	"	0.0355
20.	296/39/9	"	0.0103
21.	296/39/11	"	0.0350
22.	296/40/6	"	0.0195
23.	296/40/5	"	0.0230
24.	296/42/2	"	0.0160
25.	296/43/2	"	0.0085
26.	297/1/3	"	0.0380
27.	297/2/A5	"	0.0620
28.	297/27/A9	"	0.0225
29.	297/27/A11B3	"	0.0370
30.	297/27/A13	"	0.0450
31.	297/28/5	"	0.0500
32.	297/28/6	"	0.0070
33.	297/29/7	"	0.0023
34.	297/29/2	"	0.0170
35.	297/30/2	"	0.0005
36.	297/31/A6.B4	"	0.0036
37.	297/31/A11	"	0.0190
38.	297/31/A10	"	0.0425
39.	297/31/A7	"	0.0160
40.	297/31/A8	"	0.0175
41.	297/31/B5	"	0.0140
42.	297/35/3	"	0.0195
		Total	1.0036

Explanatory Note

(This is not part of the declaration but is intended to bring out the general purport).

The President of India has in Notification No. 2/4/63/Judicial II dated 31-5-1963 entrusted the Government of Kerala with their consent the powers to acquire lands for the use of the Central Government in the State and it appears to the State Government that the lands mentioned in the Schedule above are needed for a public purpose viz. for the construction of Ernakulam-Alleppey Broad Guage Railway line.

This Notification is intended for the above purpose.

എസ്. ആർ. ഒ. നമ്പർ 1165/84.—ഇൻഡ്യൻ ഭരണഘടനയുടെ 258-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡംമൂലം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് പ്രസിഡന്റ് 1963 മെയ് 31-ാം തീയതിയിലെ 2/4/63/ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനപ്രകാരം കേരള സംസ്ഥാനത്ത് യൂണിയന്റെ ആവശ്യത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നത് സംബന്ധിച്ച് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) അനുസരിച്ചുള്ള കേന്ദ്രസർക്കാരിന്റെ ചുമതലകൾ കേരളസർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കയാലും;

താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമിയെ സംബന്ധിച്ച് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21) 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരമുള്ള 1981 സെപ്റ്റംബർ 29-ാം തീയതിയിലെ 24710/എച്ച്2/81/റവ. എഫ്. ആന്റ് പി. എന്ന നമ്പർ വിജ്ഞാപനം ഒക്ടോബർ 14-ാം തീയതിയിലെ 796-ാം നമ്പർ അസാധാരണ കേരള ഗസറ്റിൽ എസ്. ആർ. ഒ. 1167/81 എന്ന നമ്പരായി പ്രസിദ്ധീകരിച്ചിരിക്കുന്നതിനാലും;

പ്രസ്തുത ആക്റ്റ് 19-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പുപ്രകാരം കേരള സർക്കാർ സംഗതിയുടെ അടിയന്തിര സ്വഭാവം പരിഗണിച്ച് പ്രസ്തുത ആക്റ്റ് 5-എ വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമിക്ക് ബാധകമാകുന്നതല്ലെന്ന് കേരള സർക്കാർ നിർദ്ദേശിച്ചിരിക്കുന്നതിനാലും;

പ്രസ്തുത ഭൂമി ഒരു പൊതു ആവശ്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് കേരള സർക്കാരിന് ബോദ്ധ്യപ്പെട്ടിരിക്കുന്നതിനാലും;

ഇപ്പോൾ, അതിനാൽ, പ്രസ്തുത ആക്ട് 6-ാം വകുപ്പുപ്രകാരം കേരള സർക്കാർ, താഴെ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ളതും 1.0036 ഹെക്ടർ വിസ്തീർണ്ണമോ അതിൽ അല്പം കൂടുതലോ കുറവോ വരുന്നതുമായ ഭൂമി ഒരു പൊതു ആവശ്യത്തിനായി, അതായത് എറണാകുളം-ആലപ്പുഴ റെയിൽവെ ലൈൻ നിർമ്മിക്കുന്നതിന് ആവശ്യമാണെന്ന് ഇതിനാൽ പ്രഖ്യാപിക്കുകയും, പ്രസ്തുത ആക്ട് 7-ാം വകുപ്പുപ്രകാരം ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് വാങ്ങുന്നതിന് ചേർത്തല സ്ഥലമെടുപ്പ് (റെയിൽവെ) സ്പെഷ്യൽ തഹശീൽദാരോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു. മാത്രമല്ല, പ്രസ്തുത ആക്ട് 9-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൽ പറഞ്ഞിരിക്കുന്ന നോട്ടീസ് പ്രസിദ്ധീകരിക്കുന്ന തീയതി മുതൽ പതിനഞ്ച് ദിവസം കഴിയുമ്പോൾ കളക്ടർക്ക് പ്രസ്തുത സ്ഥലം കൈവശപ്പെടുത്താവുന്നതാണെന്ന് പ്രസ്തുത ആക്ട് 19-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം സർക്കാർ നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

സ്ഥലത്തിന്റെ പ്ലാൻ ചേർത്തല സ്ഥലമെടുപ്പ് (റെയിൽവെ) സ്പെഷ്യൽ തഹശീൽദാരുടെ ഓഫീസിൽ സൂക്ഷിച്ചിട്ടുള്ളതും ആഫീസ് സമയത്ത് എപ്പോൾ വേണമെങ്കിലും അതു പരിശോധിക്കാവുന്നതുമാകുന്നു.

പട്ടിക

താലൂക്ക്—ചേർത്തല.

ജില്ല—ആലപ്പുഴ.

വില്ലേജ്—അരൂർ.

(ബ്ലോക്ക് നമ്പർ—14)

(ഏകദേശ വിസ്തീർണ്ണമാണ് കൊടുത്തിരിക്കുന്നത്)

ക്രമ നമ്പർ	സർവ്വെ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം (ഹെക്ടറിൽ)
(1)	(2)	(3)	(4)
1.	273/17/ബി12	പുരയിടം	0.0355
2.	273/17/ബി9	,,	0.0255
3.	273/17/ബി8	,,	0.0060
4.	273/17/ബി10	,,	0.0006
5.	273/17/എ11	,,	0.0025
6.	273/17/എ14	,,	0.0250
7.	273/17/എ13	,,	0.0860
8.	273/17/എ16	,,	0.0375
9.	273/17/എ17	,,	0.0210
10.	273/17/എ10	,,	0.0048
11.	296/2/4	നിലം	0.0283
12.	296/3/3	പുരയിടം	0.0525
13.	296/4/5	,,	0.0135
14.	296/4/7	,,	0.0200
15.	296/4/9	,,	0.0175
16.	296/5/3	,,	0.0440
17.	296/38/5	,,	0.0067
18.	296/38/6	,,	0.0155
19.	296/39/7	,,	0.0355
20.	296/39/9	,,	0.0103
21.	296/39/11	,,	0.0350
22.	296/40/6	,,	0.0195
23.	296/40/5	,,	0.0230
24.	296/12/2	,,	0.0160
25.	296/43/2	,,	0.0085
26.	297/1/3	,,	0.0380
27.	297/2/എ5	,,	0.0620
28.	297/27/എ9	,,	0.0225
29.	297/27/എ11ബി13	,,	0.0370

(1).	(2)	(3)	(4)
30.	297/27/എ13	പുരയിടം	0.0450
31.	297/28/5	,,	0.0500
32.	297/28/6	,,	0.0070
33.	297/28/7	,,	0.0023
34.	297/29/2	,,	0.0170
35.	297/30/2	,,	0.0005
36.	297/31/എ6.ബി14	,,	0.0036
37.	297/31/എ11	,,	0.0190
38.	297/31/എ10	,,	0.0425
39.	297/31/എ7	,,	3.0160
40.	297/31/എ8	,,	0.0175
41.	297/31/ബി15	,,	0.0140
42.	297/35/3	,,	0.0195
		ആകെ	1.0036

വിശദീകരണക്കുറിപ്പ്

(ഇത് പ്രഖ്യാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുവാൻ ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

ഇൻഡ്യൻ രാഷ്ട്രപതി 31-5-1963-ലെ 2/4/63/ ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനംമൂലം കേരള സംസ്ഥാനത്ത് കേന്ദ്രസർക്കാരിന്റെ ഉപയോഗത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള അധികാരം കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിട്ടുള്ളതും മുകളിൽ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമി ഒരു പൊതു ആവശ്യത്തിന് അതായത് എറണാകുളം-ആലപ്പുഴ ബ്രോഡ്ഗേജ് റയിൽവെ ലൈൻ നിർമ്മിക്കുന്നതിന് ആവശ്യമാണെന്ന് സർക്കാരിന് ബോദ്ധ്യപ്പെട്ടിട്ടുള്ളതും ആകുന്നു.

മേൽ പറഞ്ഞ ഉദ്ദേശം നിറവേറ്റുന്നതിനുവേണ്ടിയുള്ളതാണ് ഈ പ്രഖ്യാപനം.

By order of the Governor,

V.A. Augustine,

Additional Secretary to Government.

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